The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

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

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, people around the world find themselves living in scary times. Each morning new and disastrous alarms can ring. Calm every fear. Forgive the resolve of indiscriminate justice. Protect the innocent.

We thank You for those who are on the job in their public service to shield and protect fellow citizens. As we seek to strengthen homeland security in this country, empower us with compassion for those who live in far worse conditions than ours.

Awaken in all human hearts around the globe a respect for human life and concern for the family members of others. You alone, O Lord, are our true and lasting defense and the author of life, as well as unconditional love. We need to recognize Your Spirit within ourselves and in all our brothers and sisters of the human family. Now and forever: Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

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

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:


Hon. J. DENNIS HASTERT, Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 7, 2002 at 9:46 a.m.:

That the Senate agreed to conference report S. 1372.

With best wishes, I am Sincerely,

JEFF TRANDAH, Clerk of the House.

ADJOURNMENT

The SPEAKER pro tempore. Without objection the House stands adjourned until 12:30 p.m. tomorrow for morning hour debates.

There was no objection. Accordingly (at 2 o’clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 11, 2002, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

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

7247. A letter from the Air Force Federal Register Liaison Officer Plans and Policy Directorate, Department of Defense, transmitting the Department’s final rule—Installation Entry Policy, Civil Disturbance Intervention and Disaster Assistance (RIN: 0701–AA49) received May 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7248. A letter from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Department of the Treasury, transmitting the Department’s final rule—Assessment of Fees (Docket No. 02–08) (RIN: 1557–AC07) received May 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.


7251. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting a report containing an analysis and description of services performed by full-time USG employees during Fiscal Year 2001, pursuant to 22 U.S.C. 2758(a); to the Committee on International Relations.

7252. A letter from the Director, White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7253. A letter from the Director, White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7254. A letter from the Director, White House Liaison, Department of Commerce,


TIME LIMITATION OF REFERRED BILL
Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1462. Referral to the Committee on Agriculture extended for a period ending not later than July 19, 2002.

ADDITIONAL SPONSORS
Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1784: Mr. McDermott.
H.R. 3377: Mr. Bryant, Mr. Simmons, and Mr. Moran of Kansas.
H.R. 3741: Mr. Watkins.
H.R. 3797: Mr. Meeks of New York, Mr. Quinn, Mr. Grucci, Ms. Lowery, Mr. Serrano, Mr. Owens, Mr. Weiner, Mr.angel, Mrs. Kelly, Ms. Slaughter, and Ms. Velazquez.
H.R. 3831: Mr. Goege.
H.R. 3884: Mr. Visclosky and Mr. Clay.
H.R. 4696: Mr. McNulty, Mr. Mendoza, Mr. King, and Mr. Hinchey.
H.R. 4697: Mr. Schiff.
H.R. 4611: Mr. Hinchey;
H.R. 4635: Mr. Bryant, Mr. Platt, and Mr. Linder.
H.R. 4692: Mr. Gilman, Mr. Town, Mr. Stenholm, Mr. Goege, and Mr. Souder.
H.R. 4734: Mr. Gallegly.
H. Con. Res. 401: Mr. Doyle, Mr. Tienney, Ms. McCollum, Ms. Schakowsky, and Mrs. Tauscher.
H. Res. 269: Mr. Doyle.
H. Res. 416: Mr. Platt.
The Senate met at 2 p.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

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

Almighty God, thank You for the gift of imagination You have entrusted to us. With our imaginations You have enabled us to form, hold, and achieve images of what You can make possible. Coupled with the gifts of hope and expectation, You help us imagine Your best for us and our Nation.

Now at the beginning of this new week, we form and hold a positive picture of this Senate Chamber filled with Your presence. Knowing that we are accountable to You for every thought we think and word we speak, we contemplate how we should act and react under the guidance of Your Spirit. We hold the image of how You want us to relate to others as fellow Americans who also believe in You and want Your vision for our Nation. We sense the civility and greatness of character You want from us. Help us to express to others the same kindness, graciousness, and respect we have received from You.

So we renew our dedication to You. We are Your daughters and sons in Your eternal inclusive family. In loyalty to You, we commit ourselves to work together for Your glory and the good of our beloved Nation. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID, a Senator from the State of Nevada, led the Pledge of Allegiance as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the time of morning business not to extend beyond the hour of 3 p.m., with Senators permitted to speak therein for up to 10 minutes, with the time equally divided between the two leaders or their designees.

In my capacity as Senator from Nevada, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. AKAKA assumed the chair.)

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.

MONITORING OF LOBBYISTS

Mr. REID. Mr. President, in this morning’s paper I was stunned to read a headline but more stunned to read the story itself. It is in the Washington Post, titled “GOP Monitoring Lobbyists’ Politics.”

Among other things, the article says:

Democrats are researching the party affiliation and political contributions of hundreds of lobbyists in Washington, part of a campaign that could deny government access and prime lobbying jobs to Democrats. . . .

Copies of the bulky dossier, being compiled . . . will be given to top White House officials. . . . Early drafts of the report are already in the hands of a few senior administration officials and lawmakers . . .

The report, dubbed the K Street Project, has been evolving in fits and starts over the past few years, but has been expedited and expanded now that Republicans control the White House and Federal agencies. Several Republican lobbyists have complained that they aren’t getting the access to Federal agencies they feel they deserve.

Republicans involved in the effort said they plan for it to be used by White House officials, lawmakers and staff to determine who can meet with party leaders in discussions of policy matters.

If there was ever anything that was immoral, wrong, and scandalous, this was it. To think that people who have jobs—they can pick any company you want—they hire somebody or they have worked for a number of years and they are going to check to see what party they belong to as to whether or not they can plan for it to be used by White House officials, lawmakers and staff to determine who can meet with party leaders in discussions of policy matters.

This sets a very dangerous precedent. This, in my opinion, is tantamount to McCarthyism. It involves the practice of compiling a new enemy’s list to be circulated out of the administration and the Hill. Maybe we should include, rather than just McCarthy, Nixon. This appears to be something that would have happened during the Watergate years. Enemies are those who belong to or support the Democratic Party. They are targeted.

This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
President Bush, during the campaign, said he wanted to change the tone of things in Washington. The tone has not been changed. Someone should get to the President and say this has got to stop. I cannot imagine President Bush liking this. If he does, it speaks volumes.

Top White House officials have said he wanted to change the tone in Washington, but today we learn he is working in tandem with those keeping secret lists of people's personal activity for harassment, prosecution, blacklisting, coersion, or maybe even character assassinations.

It is not enough they block access to all non-Republicans. The story indicates that the President is complicit in these secret lists, lists designed to suppress workers' liberties in order to protect special interests. This is a witch-hunt, a matter of not just on committees that are basically involved with it. But I am a bit disturbed about the reaction to the President's Cabinet-level plan he announced last week. The critics have been very vocal about not having a plan. We have been hearing that for a number of months— that Tom Ridge has not been doing what we need to do; that he doesn't have the authority which we need to have for him to be able to accomplish what is going on here. Fairly high level criticism has been taking place. It is interesting. The critics for not having a plan are now just as vocal about the plan the President has provided. I think that certainly is a strange kind of thing and one that is not helpful to accomplishing what we want to accomplish.

I think there is no question that a plan of this size and of this importance will be altered before it is put into place. I do not know of any plan this size that has come before the Congress that isn't changed, polished, and accommodated before it is finally agreed to. But the point is there has to be one to begin. I think it is really important that we deal with it now. It is there, it is the plan that we need. I don't know why they continue to criticize.

I am surprised and am a little dismayed that the media has continued to use this proposal as a way to create controversy. I guess the media's job—is to pick on that part which is reflected on by a minority of the people who have been critical rather than a majority. Indeed, 72 percent, according to the polls, are favorable. It is kind of interesting that this moves their way, and I guess that is the media's way of doing things.

One of the complaints is that the plan came out overnight—it came out very quickly. I think that is not the case. Tom Ridge did an interview the other day in which he indicated that he has been in place now for quite some time and has not, of course, been a Cabinet member. He has not had anything but his own office to handle. But that has been working on this for a long time, including a lot of people. The idea that it came out overnight from people in the President's little group is not the case. There has been a great deal of talk about it within the administration and a great number of ideas as to how this might best be done, as I think it should be. I think it would be sort of ridiculous to be talking about something publicly before it comes out. That is why it came out now, and that is why this is the time to talk about it publicly the fact. I am not in a position to know the

I must confess I get a little impatient sometimes with the way these things are handled. It is easier to sit up in the
I think it deals with a problem. The problem, of course, is that all of us are concerned about security. There is no one in government or outside government who doesn’t want to try to detect what is going on and do something about it, whether it is a highway patrolman in Wyoming or a CIA agent or an FBI agent. Sometimes it is objective, but at times it is suspected; then what do you do?

We haven’t had a central place to accumulate all of these possibilities so they can be evaluated and so something can be done about them. There are as many as 100 different government agencies that have some responsibility for homeland security. I suspect it is almost every agency. No one has had the final accountability. No one has had to say there is something that really should be investigated and should be turned over to people to further investigate.

The Coast Guard has several missions: rescue, research, maritime treaties. It reports to the Transportation Department. Its primary responsibilities are rails, bridges, and airways.

There is really sort of a lack of continuity. The Customs Service, among other duties, collects tariffs, prevents smuggling. It is part of the Treasury Department whose primary responsibility is not regular security but indeed physical security.

We have not had a central place for this information until recently. Now we do. Times have changed.

Absolutely now, there will be someone in charge. The bureaucrats are unchangeable, it is said. I don’t believe that, and I believe change can come when the leadership shows the way and insists upon change. That is what it is all about. That is why there are heads of departments. It is why someone is a Cabinet member—to take the policy of their leader, the President, and to ensure it is implemented. I have never worked in the bureaucracy, but I suppose where there are thousands of people, it is a little bit difficult to do. But that is their task. That is their job. I think about change.

It would be too bad if the Congress failed to change. I read about some of the congressional committees being concerned about their jurisdiction and that this might change that. Change is inevitable. Change is something we ought to look at and accept, if it has merit. The idea of being resistant to change is a little hard, and it is not very helpful. I suspect there is some of that in the Senate. We hear all kinds of voices coming out here.

I am no expert, as I mentioned before. I suspect that maybe this department could be smaller. You could have a little more selective group that comes together, if indeed then the things that are determined by this smaller homeland security group could be brought to the President and to his Cabinet, and the President would ensure that each of these Cabinet people caused their departments to do what is necessary to accomplish that one central agency. Even today I understand that. But when you are talking about hundreds of thousands of people, of course, it is less easy, I understand that.

But I do think there has to be a central but real war to a large extent—both domestically and overseas—carried out by intelligence, and carried out by centralized information, and by knowing what is happening. This is an entirely different kind of war than we have ever had in the past. We will have to have different arrangements to do it.

I think if you are a frontline worker for the FBI, CIA, or some other law enforcement agency, and then you see something that raises suspicions, you need to have a place to report it immediately, and you should expect your supervisors to treat it with the seriousness it deserves. Information must be fully shared so that we can follow all of those leads and hopefully prevent a tragedy such as happened to us before.

I hope we can consider the President’s recommendation and make the changes we believe we need. I think we should see what weaknesses we have so we can change those. Certainly there have been some. I suppose some of them were not necessarily weaknesses. There is a difference in the climate, there is a difference in the atmosphere, a difference in the challenge. When that happens, there has to be a difference in the way we behave.

I look forward to that. I hope we can come out with something better than what we received.

I suggest the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

(See Exhibit 1.)

Mr. BINGAMAN. Mr. President, as noted in the article, Senator Daschle has indicated he would like to bring a bill to the Senate floor dealing with these issues before the August recess. I think that is an admirable goal, one that the entire Senate needs to join. Unfortunately, the administration and the House and some colleagues in the Senate have not shown the kind of zeal we know are all hoping very much is in place and scheduled to occur. I have referred to a New York Times article. Mr. President, I ask unanimous consent that this article be printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. WYDEN). Without objection, it is so ordered.

PENSION REFORM

Mr. BINGAMAN. Mr. President, the front page of today’s New York Times has an article with a title that reads “Enthusiasm Ebbs for Tough Reform in Wake of Enron.” That headline points out a political challenge that those of us in Congress have to deal with over the next few months; that is, the challenge to enact meaningful legislation while this terrible catastrophe which befell many employees and investors in relation to Enron is still fresh in mind.

I, for one, am not ready to concede that as some of the press have suggested that we can make sure the country’s workers are not protected from the next Enron-type meltdown. We need to take that legislative action. It needs to be a priority of the Congress. I rise to speak about the challenge to reform pensions.

These corporate misdeeds, executive malfeasance, accounting chicanery, unfortunately, provide grist for virtually every front page we see these days. These stories will not stop on their own. The previous administration which I think we have all come to recognize as the Presid-
those sort of fastsighted regulatory improvements, start worrying. There are signs that the Bush Administration, under pressure from the accounting lobby and business groups such as the U.S. Chamber of Commerce, is willing to support only mild changes in the current system. And there's a danger that Congress will acquiesce. The House has already passed a very watered-down bill.

That's wrong. Halfhearted reform is bad for the public, bad for the economy, and even bad for the accounting industry, which needs to reestablish its credibility. Instead, we think the best bet for strong accounting and financial reform is the legislation proposed by Senator Sarbanes, Democrat from Maryland, chairman of the Senate Banking Committee. Sarbanes' draft legislation—which is opposed by Senator Phil Gramm, the ranking GOP member of the Banking Committee, and the Bush Administration—would set up a strong private-sector board to oversee public-company accounting.

It goes on to detail what is in the legislation and to urge that the legislation be considered and passed by the Congress.

Mr. President, I ask unanimous consent that the editorial from Business Week's current edition be printed in the RECORD immediately following my remarks.

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

(See Exhibit 2.)

Mr. BINGAMAN. Mr. President, let me also call the attention of my colleagues to another section in the same magazine called The Barker Portfolio. It is by Robert Barker, and he goes into some detail about what he believes is an appropriate set of reforms for the Securities and Exchange Commission in order that these kinds of problems can be avoided in the future.

I ask unanimous consent that this be printed in the RECORD following my remarks.

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

(See Exhibit 3.)

Mr. BINGAMAN. Mr. President, before leaving this general subject, let me talk a little about a subject on which I have focused in recent weeks, which is part of this overall corporate mismanagement problem that we have been talking about, and that is the problem of pensions. What do we do to preserve the retirement of workers in these companies that turn out to have cooked the books or to have engaged in some kind of practice that causes the value of that company to go away?

There are essentially four major issues that I think need to be focused on regarding retirement security for Americans. Let me put that chart up and go through the list once more for those who are interested in this subject.

There are four major areas where we need to concentrate our attention and where I believe we can legislate in a constructive fashion. First, we need to have a goal of providing some type of retirement or pension plan for all workers in our society. There is no reason why a person should work 25, 30, 35, even 40 years at a job—or a series of jobs, which is much more common in this day and time—and wind up with no pension, no income, nothing they can depend upon, including Social Security once they get to retirement age.

Pensions and retirement coverage have not increased as a percentage of the workforce in the last 30 years. We have to acknowledge that. About 50 percent of private sector workers actually have some sort of pension plan today. That is nationwide. The statistic is 50 percent. My home State of New Mexico, unfortunately, has a comparison rate of any of the 50 States. The percentage is 70 percent. We have to acknowledge that, and what is one of those setups is that public sector employees do have some sort of pension plan.

I can remember the discussions in previous years around here where we talked about a three-legged stool when it came to retirement security. We said, when a person gets to retirement, they are going to need to depend upon, including Social Security payments—and we all want to see those continue. They are going to have their savings, and they are going to have their pension. The reality is very differing from that model that ideal that we have described for many years.

The reality is that most people who have worked through their entire career—at least in New Mexico where 70 percent have common people do not have three legs on the "stool" on which they are planning to sit. They have a very likely one leg because they have not been able to save a significant amount, and they don't have any sort of pension or 401(k) plan. That is the first issue and the first item on the chart.

All workers need a retirement or pension plan of some sort. We can do much more to expand pension coverage to make it more available to employers to provide pension coverage and to make it more available to workers in our society. We need to get about the business of doing that.

Second, all workers should have a right to a secure retirement savings. The problems we have seen with Enron, the problems we have seen with other corporations, where retirement savings have been essentially frittered away, or put in a place which turned out not to have value, need to be fixed. There is legislation that Senator Kennedy has proposed, which has been reported out of the Health, Education, Labor, and Pensions Committee that is that legislation is that legislation is that legislation is awaiting consideration on the Senate floor. I hope very much that we can move to consider that legislation.

In the Finance Committee, we are also looking at legislation which would help ensure that people who have these pension savings, or who have a 401(k) plan, can be guaranteed those funds will be there when they actually retire.

We need to protect employees from conflicts of interest that allow accountants, analysts, investment advisers, and, in some cases, employers to act in their own self-interest, rather than in the best interest of the employees, who are supposed to benefit from that retirement plan.

Third, all workers must have pension portability. One of the problems today in our workforce and our work careers is that most people will move from job to job, and over 45, 40 years of work, an average worker may have 8 or 10 jobs. We need to be sure they do not lose their pension benefits as they move from job to job. We need to be sure they are those benefits in their retirement accounts.

Again, we need to change the laws to that make that occur on a more ready basis. I hope very much we can move to legislation to accomplish that.

The fourth item I want to mention is all workers should be treated on a comparable basis as regards to retirement benefits. We are just now trying to understand all of the various mechanisms that have been used in some of these companies to get us to a result which we have seen over and over where the top executives of a corporation, when the corporation essentially collapses as a financial matter, where the top executives may walk off with tens of even hundreds of millions of dollars in deferred compensation, in executive compensation of one kind or another; whereas the workers for that same corporation may wind up with nothing in their retirement accounts.

We need to find out what those abuses are. We need to find out ways to correct them. We need to plug those loopholes in the existing law, and I believe we can accomplish that.

Mr. President, let me stop with that. I see other colleagues are waiting to speak. I believe very strongly this issue of retirement security needs to be on the agenda of this Congress. I know Senator Daschle is trying to put together a series of proposals coming from various committees so that we can consider it before the August recess. Retirement security is one of the provisions that we would hopefully give attention to as a result of or in the wake of the Enron scandal. I hope we can do that. I think the people of the country want to see us do that.

I close with the article with which I began my discussion, “Enthusiasm Ends for Tough Reform in Wake of Enron.” We need to prove that headline wrong and demonstrate that this Congress is committed to tough reform, and one of those reforms is in the area of retirement security.

Mr. President, I yield the floor.

EXHIBIT 1
[From the New York Times, June 10, 2002]

ENTHUSIASM ENDS FOR TOUGH REFORM IN WAKE OF ENRON

(By Stephen Labaton and Richard A. Oppel, Jr.)

WASHINGTON, June 9.—Six months after the collapse of Enron, a wave of enthusiasm for
overhauling the nation’s corporate and accounting laws has ebbed and the toughest proposals for change are all but dead.

A powerful group of lobbyist, playing on panic in Congress, appears to have killed efforts to impose tight new controls on corporate conduct. And while some Democrats hope to turn the inaction to their advantage in fall elections, lawmakers say that—barring more business melodramas that deepen the stock market’s two-year slump—voters are unlikely to care enough about their ballots to respond.

Bills imposing more stringent accounting standards, changing the tax accounting treatment of stock options, or setting tougher conflict-of-interest rules for stock analysts and accounting firms have all fallen victim to political gridlock.

Corporate America and the stock markets have not waited for Washington. Instead, they have undertaken a host of changes in response to the problems highlighted by Enron and reinforced by corporate and accounting failures in the telecommunications, cable and energy industries. Investors have fled companies whose accounting or governance practices fell below the post-Enron standards. Some Republicans say all this is evidence that the system is working without heavy-handed interference by lawmakers.

Congress did much to focus attention on these failures, passing the Sarbanes-Oxley Act and setting up an oversight panel. But the post-Enron proposals prompted scores of industry associations and hundreds of corporation to retain lobbyists and use their own employees to try to weaken or kill the measures. They include the American Institute of Certified Public Accountants, which is dominated by the largest firms. Hundres of companies, including Oracle and Intel, have fought against changing the treatment of stock options. And many of the largest Wall Street firms have lobbied against the seven in the laws governing stock analysts.

The drift in Congress largely reflects the power of the accounting profession. Accountants are ranked as the top eight campaign donors in 2000, and over all, the industry made $14.7 million in campaign donations to both Democrats and Republicans during the last election cycle, according to the Center for Responsive Politics. The profession has influential members in many congressional districts and has been known to use lawmakers’ own accountants to lobby them.

The chairman of the Senate Finance Committee, Max Baucus of Montana, is crafting a pensioniece bill that is likely to contain provisions similar to those in the House bill, like permitting workers to sell company stock awarded as a 401(k) match three years after they receive it. Senate aides say the bill may also place limits on certain forms of executive compensation. Mr. Baucus is working on the proposals that are expected to form the Baucus proposal, Senate aides say.

But they say the Baucus plan is unlikely to pass. The Kennedy proposal, like the one in the Senate Finance Committee, will likely be a nonstarter in the House. They include the American Institute of Certified Public Accountants, which is dominated by the largest firms. Hundreds of companies, including Oracle and Intel, have fought against changing the treatment of stock options. And many of the largest Wall Street firms have lobbied against the seven in the laws governing stock analysts.

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The drift in Congress largely reflects the power of the accounting profession. Accountants are ranked as the top eight campaign donors in 2000, and over all, the industry made $14.7 million in campaign donations to both Democrats and Republicans during the last election cycle, according to the Center for Responsive Politics. The profession has influential members in many congressional districts and has been known to use lawmakers’ own accountants to lobby them.

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well-functioning economy. Reform is never
markets and regulation is essential for a
sight. But finding the right balance between
below the desirable level.
According to a report from the General Ac-
to fund. These additional resources are es-
doing their company was engaged in.
materially restate its earnings. That would
set up a strong private-sector board to over-
provisions, start worrying. There are signs
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mi environmental firms Building. I always welcome
righteousness.
life of the land is perpetuated in its
brates Hawaii
s indigenous peoples; the Native
s regulation FD, or Fair
firms claim that they had no idea what kind of wrong-
doing their company was engaged in.
Equally, the Sarbanes bill would authorize more money for the Securities & Exchange Commission and permit the agen-
ty to hire at least twice as many profes-
sional consultants and auditors as it does now. That would re-
the accounting industry, which needs to re-
Instead, we think the best for strong accounting and financial
reestablish its credibility. Instead, we think
the greatest overhaul of securities regula-
tions should be disclosed at least quarterly
rule. Opponents say faster disclosure will
make it harder for funds to trade without tip-
their latest gory investors. But companies that manage $100
include most fund advi-
s with professionals when companies disclose
potentially market-moving information.
whole of August, 2000, the public
restructure and merge its cable unit with
mutual fund—also disclose portfolio holdings 45 days after the close of each quar-
Cut that to 30 days, tops. Short posi-
tions, now exempt should be required as well.
FAIRER. The SEC’s regulation FD, or Fair
Disclosure, seems to have helped put indi-
relevant to clients. If you own AT&T, you’re supposed to use this to decide how
you’ll vote by July 10 on the company’s plan
to make its AT&T, you’re supposed to use this to decide how you
invite the public via the Internet to its own
ments conference calls with stock analysts. Not so
now. There remains, however, a forbidden
zone—the “road shows” put on for institu-
tional investors—regarding to what extent they
sell securities, particularly initial public of-
erings of stock. Just as the SEC was able to
invite the public via the Internet to its own
recent Investor Summit, investors remain as
large as should not be asked to attend and pose
questions at these pre-IPO presen-
tations. It’s one thing to read a prospectus laden with legalese; it’s better to hear
how management discusses what’s in the prospectus.
PLEADER. Speaking of legalese, regulators have long encouraged the use of “plain English” in
securities filing. A charitable as-
beauty is a way of saying that the
is the foundations of the earth.
oral histories of Hawaii
Ko Hema Lamalama, plaintive and poetic
chant, is the Hawaiian word for an imper-
chorus of Hawaiian chants, Ko Hema Lamalama, at the Smithsonian Institution's Arts and Industries Building, entitled, "Kaho'olawe; Rebirth of a Sacred Hawaiian Island." The exhibit chronicles the rich history of the island of Kaho'olawe from its beginning to its
western boundary, to its cleanup through 2003 for the cleanup of ordnance. Na-
tive Hawaiians, the vision of a fully restored Kaho'olawe is more than the cleanup of ordnance. Na-
tive Hawaiians also referred to Kaho'olawe as "Ko Hema Lamalama," the Southern Beacon, in reference to the island's use as a navigational aid, for long-distance voyagers returning to Hawaii. For many Hawaiians, the vision of a fully restored Kaho'olawe serves as a guiding light to the revitalization of Native Hawaiian culture.
I encourage all of my colleagues and their staff to visit this exhibit at the Smithsonian Institution's Arts and Industries Building. I always welcome
the opportunity to share the true essence of Hawaii with my colleagues and our fellow citizens on the U.S. mainland. We have the honor and privilege of showing you a bit of Hawaii in Washington, DC, until September 2, 2002, and I invite you to share in this wonderful experience.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

LOCAL LAW ENFORCEMENT ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 625, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 625) to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes.

Pending:

Reid (for Biden) amendment No. 3807, to provide for federal officers, technology education, community prosecutors, and training in our neighborhoods.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, let me begin on a point of common ground. We can—each and every one of us—agree that the actions constituting hate crimes are wrong in all respects. Let me state, unequivocally, that as much as we condemn all crimes, a hate crime can be more sinister than a non-hate crime. And let me state, with equal conviction and clarity, that I care about stamping out hate crimes as much as any member of this body. I think everybody know that.

A crime committed not just to harm an individual, but in order to send a message of hatred to an entire community is appropriately punished more harshly, or in a different manner, than other crimes. This is especially true when the targeted community is defined on the basis of immutable traits. The brutal murders of James Byrd in Jasper, TX; and Matthew Shepard in Laramie, WY—have unfortunately made the point. One of the worst racial slurs I ever heard is, and always has been, a hate crime. It is true that the government has a role to play in reducing the incidence of these crimes in our Nation. The question is not whether Congress should act in this area, but rather on what should be done at the national level.

There is no dispute that hate crimes themselves are offenses involving particularly horrific facts. They rivet our attention and move us to consider almost any measure that would appear to check such bigotry. But the proposed legislation introduced by my good friend from Massachusetts, S. 625, also brings us face to face with the question of our constitutional structure—namely, bedrock principles of Federalism that, for more than 2 centuries, have vested States with the primary responsibility for prosecuting violent crimes committed within their borders. And on this point we must be crystal clear: every hate crime—every bit of criminal conduct that S. 625 proposes to federalize—is, and always has been, a crime in every jurisdiction throughout our land. The question is not whether these crimes can be prosecuted, but who should prosecute them under our constitutional framework.

In other words, S. 625 brings us to a difficult intersection between our well-intentioned desire to investigate, prosecute, and, hopefully, end these vicious crimes, and our unequivocal duty to respect the constitutional boundaries governing any legislative action that we take. We, who are trusted with the awesome responsibility of making our Nation's laws, must scrupulously abide by the rule of law in this process. Congress has a duty to make sure that the legislation it enacts is constitutional. To shrug off that duty is more than just negligent; it invites trouble and, in the future, may even invite constitutional review. Supreme Court Justice for whom I have the greatest respect, Justice Scalia, said the following just a few years ago:

"My court is fond of saying that acts of Congress come to the court with a presumption of constitutionality. But if Congress is going to take the attitude that it will do anything it can get away with, and let the Supreme Court worry about the Constitution, perhaps the presumption is unwarranted.

So, while all of us would agree that hate crimes are a problem with which Congress must deal, our focus must be on the appropriate and constitutional limitations imposed on Congress, and be cognizant of the limitations on Congress's enumerated powers that are routinely enforced by the courts. I was a prime sponsor of that bill, and I am proud that I was. It was a big step in a long controversy, but the time. This is more true today than it would have been even a mere decade ago—ever since the U.S. Supreme Court revisited the Federalism doctrine in a string of decisions beginning in 1995.

Having consistently checked the expansion of Federal jurisdiction in areas traditionally reserved to the States over the past decade, the Supreme Court has cast grave doubt over the legitimacy of S. 625. I am not alone in believing that this bill, if passed into law, will be struck down as an unconstitutional invasion into States' rights. I take no pleasure in holding this view. In fact, I was the primary co-sponsor of the Violence Against Women Act of 1994, a law that created Federal jurisdiction over certain serious acts of violence directed at women. Senator BIDEN was a prime sponsor as well and deserves an awful lot of the credit for that particular bill. I felt strongly about that legislation, and I certainly was not happy to see the Supreme Court strike down a portion of that law as unconstitutional. But I respect, as we all must, the Supreme Court's ruling, and we have a duty to take its lessons to heart—whether or not we personally like them.

So there is a serious constitutional concern with S. 625. But, in the frightening climate of terrorism that we live in today, there is a practical consideration that we also cannot ignore. We must ask ourselves what role our Federal law enforcement agencies should play in violent crimes that historically have been prosecuted by State and local officials. The Federal Bureau of Investigation recently has committed a large number of its agents to work exclusively on terrorism cases. The FBI has shifted its focus away from the investigation of general crimes to the...
June 10, 2002

S5268

肯尼迪、杜宾，我亲爱的朋友，和我共同关心这个问题的参议员们——我已经在试图创造一个联邦对仇恨犯罪的反应，这将作为有效和可能的，没有无形地表达着严重的危险和犯罪。这让我相信，即使当这个事情发生时，我也会认为，如果在S. 625中，我们从未在调查和起诉仇恨犯罪中发现任何成功。而且，已经没有从来没有一个表示说，当联邦政府介入时，整个联邦政府的角色在调查和起诉仇恨犯罪中，在2年内，如果这次事件发生在参议院，我可能会支持某些方面我的修正案，以加强对联邦政府对联邦政府在调查和起诉仇恨犯罪中的角色。所以，当S. 625仍然存在的情况下，我有理由这样认为，我们已经消灭了正义的义务，现在是时候，公共财政可能会达到人们的虚荣心的界限，当需要更大时。

我有两个主要的修正案。首先，我将提议制定一个有益的伙伴关系之间，联邦政府和州在打击仇恨犯罪。我的修正案将允许，司法部协助州和地方当局在调查和起诉仇恨犯罪中，通过提供联邦资金，每100,000美元，但这个修正案我今日提出，删除了州的必要性。我的修正案包含一个完全的新规定，将需要要求司法部，指定一个联邦检察官，每在联邦众议院的州和地方，来起诉仇恨犯罪。联邦检察官将采取一个主动的角色，在帮助州起诉仇恨犯罪，从联邦wiretaps和联邦wiretaps的联邦众议院。因此，没有理由认为，州和地方执法官员不应起诉这些案件，即使以联邦的协助——我的修正案提供，以更明确地解决这个问题。

我的修正案直接治疗了首先那些谁倡导将广泛的联邦司法管辖权扩展到仇恨犯罪。这种广泛的权力，是需要的，因为州和地方当局往往没有充足的资金和资源来有效地起诉仇恨犯罪。而且，这将表明，将严重的联邦干预可能将导致一个更小的社区资源。我的修正案直接确定，根本的问题，没有通过废除州和地方，从原来的法律角色。

我们的工作是，我们不能不失败，有效和非自愿地，既有也具有维持着不公正，但也有维持着不公正的两个事实，这使人们感到不安。我向你表示，我在这个问题上找到了一个严重的失败，—我认为，当联邦政府介入时，当我们的政府在法律执行中扮演的角色。

让我们不要忘记，超过无与伦比的成功记录，仇恨犯罪的全国性，—许多在司法部门，死亡的惩罚，不仅与联邦政府的角色，应该作为对事实的证明，那就是，当联邦政府介入时，这个事实，联邦政府没有被证明是必要的。从来没有一个表示，当州和地方法律执行官员已经被无视，这种不公正地，从他们的传统角色，在法律执行中。

我们不能不注意，当州和地方法律执行官员，他们已经有效地和有效地，做了这些调查和起诉，——是不够的论据，必须来提交这些仇恨犯罪。

这个观点，我深深地感到很困惑。这导致了我们在这一问题上的分析，警察，已经有效地和有效地，我，以我的观点，和州的死亡的惩罚，实际上，这个句子，对任何两个人，造成了严重的失败。这就是我，我深深地觉得，我，非常成功。

在任何情况下，我们将在民主的压力下，通过让我知道S. 625，作为法案，通过立法，我们知道S. 625，因为，写成，没有对法案的任何成功。

我的修正案是，我们确保州和地区的资源，来调查和起诉仇恨犯罪。

内森·肯尼迪，杜宾，我亲爱的朋友，和我共同关心这个问题的参议员们，我们支持一个具有州和地方的资源，来调查和起诉仇恨犯罪。

在我面前的法案，是有关仇恨犯罪的，将不会被通过。

有了一个циально，将意味着，将不会被通过。

Mr. President, as we know, on Friday, immediately after calling up S. 625, the hate crimes bill, the Democratic leadership filed for cloture. This was done for the sole reason of thwarting any meaningful debate on a bill that seeks to overhaul and expand thoroughly the role the Federal Government plays in law enforcement.
I agree wholeheartedly that Senator Kennedy's bill, S. 625, is an important piece of legislation that deserves consideration in the Senate. In the past, I too have introduced competing legislation addressing hate crimes. As someone who has testified as an invitational witness on this issue as Senator Kennedy, at a minimum, I deserve the opportunity to offer amendments relevant to the discussion of hate crimes and to improve this bill. I believe my amendments will in fact improve this bill as it reads currently. I believe the majority of my colleagues not only want to consider these amendments, I believe they would approve of my amendments.

Protecting the safety and rights of all Americans is of paramount concern to all Senators. There are, however, many thoughts as to how to provide this protection. No one is threatening to filibuster this bill. My colleagues and I are honestly trying to force a debate on an issue that affects all Americans. It is curious to me why the Democrats are trying to prevent a substantive debate on hate crimes from going forward. By preventing amendments from being offered and considered, the Democrats are shutting the door on any Republican ideas or alternatives, however constructive they may be.

All Senators have the right to consider thoughtfully legislation that will impact significantly how hate crimes are prosecuted in this country. By filing for closure prematurely, the Democratic leadership is prohibiting Senators the right to debate and have a vote on issues that are important to them and the constituents of their States. It is unconscionable to prevent debate on such an important issue. I ask the Democratic leadership to rethink this position, and I ask Senators to oppose cloture and allow us to consider a reasonable amount of amendments to this bill.

I will certainly make every effort to keep the amount of those amendments very limited so that this particular debate does not have to go on and on. I hope we will be able to get that done. I noticed S. 625 not only substantially expands current authority over hate crimes, it adds a number of provisions over what we had at least attempted to do before. Under current Federal law, it is important to note that it is unlawful to injure, intimidate, or interfere with anyone because of his or her race, color, religion or national origin. That is the law today. That has been upheld as constitutional. If the person is participating in certain federally protected activities such as attending school, serving as a juror, traveling in interstate commerce, using public accommodations, or working, that person is protected against injury, intimidation, because of race, color, religion or national origin.

Since 1994, Federal law has required a heavier sentence for persons convicted of hate crimes. We have already gone a long way to do that. We will put in the RECORD before this debate is over some of the statistics that have been presented as to whether or not hate crimes, as defined narrowly, are a significant percentage of crimes that are committed in this country. My attitude is, if one is committed, it is a significant percentage, but we have to be practical as well. If there is no showing—at least there has not been up to this date—that the State and local law enforcement jurisdictions are failing to prosecute hate crimes and prosecute them with vigor, it seems to me we are going too far with S. 625. I hope our colleagues will pay attention. I think we could really wind up not doing as much against hate crimes as we could if we would make a real effort to try to bring both bodies together. I would like to get this problem solved once and for all, and I would like to do it in a way the vast majority of us can support because I think the vast majority of Members of Congress will support a reasonably written, effective hate crimes bill that does not take away the responsibilities of the State and local governments and law enforcement people to prosecute these matters.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say to the distinguished senior Senator from Utah, this legislation has already passed the House—232 Members voted for it; in the Senate, 61, almost identical legislation.

The question was raised as to why there was an effort made to move forward on cloture on this bill. We have lots of things to do. When it was reported in the Congressional Quarterly last Friday morning that they, the Republicans, were going to file 40 to 50 amendments just to slow down the bill, and they had a wide range of subject matters on all the amendments they were going to file, none of which were related to this hate crime legislation, the majority leader felt we had to move on. That is why the cloture motion was filed.

I also say to my friend, the former chairman of the Judiciary Committee, someone who is certainly knowledgeable of things legal in nature, if cloture is invoked, that is still given temporary opportunity, up to 30 minutes to file any germane amendments. I would say if the Senator wants to improve this legislation, it would have to be with germane amendments, not nongermane amendments. So I hope cloture is invoked. I hope cloture is invoked. The majority leader would be happy to work with the Republicans to come up with legislation they believe is better. But this is a matter that has already moved in both bodies of Congress. We should move forward with it.

AMENDMENT NO. 3807 WITHDRAWN

Mr. REID. Mr. President, I withdraw amendment No. 3807.

The PRESIDING OFFICER. The Senator has that right. The amendment is now withdrawn.
One reason the Senate should not rush to consideration of this bill is because of the very controversial change that it makes to criminalize not a defendant’s actions alone, but the defendant’s thought process. Think about this for a minute. This legislation focuses not on defendant’s conduct but on his intent—on whether he acted purposefully or with knowledge of risk. Rather, this bill criminalizes the defendant’s subjective motive. We are moving perilously close, down the path of creating a penalty for thought crimes.

This is not as distant as you might think, considering, for example, the FBI data that is used by advocates of hate crimes laws to justify this bill. In 1999, they report there was a total of 9,430 hate crimes in the United States. Of these, only 19 were murders. By far, the largest category of actual hate crimes against persons, including property crimes and crimes against society, was the crime of intimidation. Yet this crime is so vague and so inchoate that the FBI does not even bother to calculate incidents of intimidation in its overall crime reports.

What exactly does intimidation mean? Does it simply mean something that is perceived as offensive by the hearer? Some groups, in fact, increasingly invoke terms such as “hostile speech” or “climate of violence” to describe speech in favor of traditional morality on social and sexual issues. Would a traditional viewpoint on homosexuality or transsexualism be hostile speech and thus a hate crime? It very likely could be under the definitions here.

One organization, the largest organization of women in the country, the Concerned Women for America, has cited an example of a pastor in New York whose billboard advertisement with a Bible verse on it was taken down on grounds that it violated the crimes principles as the rationale. The CWA also cites a recent incident in San Francisco, The board of supervisors officially approved a resolution urging local media not to run an advertisement by a group. Again, even those who do not agree with the message of traditional values should at least recognize these groups’ right to be heard and to exercise their first amendment right of speech. With this change in definition, we risk criminalizing this speech.

In addition, it is wrong to treat some victims of violent crimes as more special than others. All victims of violent crime should be equal in the eye of the law. When such a crime occurs, the police should not first have to ask, for example, what the victim’s race, religion, or sexual preference is. Nor do the 19 murders classified as hate crimes in the year 2000 nor the 17 in 1999 provide much justification for the legislation when we consider that a lot of other murders occurred each year—all crimes under State law. It is not as if we have to add this crime in order to assure there is punishment for people who commit violence.

Congress should be concerned about all of these victims, not about just a subset constituting one-tenth of 1 percent of the total. Yet that is what we spend our time on. I note that one of the bill’s provisions attempts to justify or provide a constitutional rationale for the bill. I note that section 2 states that Congress has found “the incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of the victim poses a serious national problem” and that the “prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.”

I would like to focus on that in two respects.

First of all, it says this is a national problem. But I note that not all national problems are Federal problems. People are murdered every day in this country. That is a national problem. But States provide the laws under which people are prosecuted, and it is ordinarily by a local or county prosecutor. In other words, not every national problem is a Federal problem.

As I will note later, no less than the Chief Justice of the United States has warned Congress against federalizing every crime and finding a Federal solution to every national problem. But even more important is the suggestion that only certain kinds of crime victims ought to be of concern to us. It said here that this kind of crime devastates not just the actual victim but frequently savages—and I am not exactly sure what the word “savages” means—the community sharing the traits that caused the victim to be selected. I presume that is the class of victims—people such as the victim.

As the Presiding Officer is well aware, Senator FEINSTEIN and I have had a constitutional amendment before this body for several years to grant rights to victims of crime. We have argued all of these years that victims of violent crime feel themselves frequently savaged by a system which gives a lot of rights to the defendant but, at best, ignores their rights, and sometimes actually results in them being victimized a second time by the judicial system by not getting notice of key hearings and procedures in which they would have an interest in attending, or being even unable to sit in the courtroom sometimes. This clearly is activity that savages the community that has been victimized.

Anybody who has been a victim of domestic violence can empathize with the other victims of domestic violence. I have a very personal respect for this. The angry parent of a young child who has been abused is sitting in a circle sharing their experiences in order that they be able to cope with and eventually rise above the problem and to understand that they themselves are not the cause of the crime that has been perpetrated against them. They are savaged, all right. They are a group of people. We have said that we are paying attention. Yet we can’t take the support in this body to grant them the rights that are at least somewhat equal to the rights of the accused perpetrators of the crimes upon them. The numerous constitutional amendments which have been proposed, and the Constitution at least be equal in the constitutional rights of these victims of crimes.

I am going to state this in a rather blunt way. It seems to me to be inconsistent, at best, for people to be very concerned about a couple of specific groups of people—transsexuals or homosexuals, for example—that they would believe that other members of their group would feel savaged when someone else in their group has a crime perpetrated upon them but we wouldn’t extend that same feeling and that same support and that same kind of action to a vast and much larger number of people who are victimized by crimes every day and for whom there are no special rights. We don’t designate them hate crimes, and therefore these people have no such rights. I find it discriminatory.

In this Senate body, we never characterize the motives of legislation. It is a very dangerous thing to do, and I resent it. In no way do I characterize the motives of anyone offering this particular amendment. But I ask them to stop and think for a moment about whether it is fair to single out a very small group of people who have a very large lobbying voice for special protection as victims of hate crimes because the group they are a part of feels savaged when they are the victim of a crime. That is the Federal nexus. That is the basis upon which the constitutionalization of this activity submit it is inadequate under our Constitution. But that is the alleged basis. We will do it there, but we will not give rights to the vast majority of people who are victims of violent crime in this society.

Do we not believe or do we not understand that they feel savaged as well? Is their lobbying voice just not as strong? I don’t know what it is. But it is unfair.

Let me turn to two other points before I close.

It is obvious to me from the legislative history—I am not elaborate at this point but just to note this—that using the term “gender” is a very intentional and very specific choice of words. The bill is intended to take the unprecedented step of making transsexuals and transvestites a federally protected class. There are those who think this is a good idea. I cannot tell you how many people who wrote our Constitution—would think of such a provision. But I believe Congress should accept that not all
human impulses are necessarily healthy, that not every desire should be pursued, and that, in any event, these kinds of activities should not be sanctioned as constitutionally protected given the large number of people in the United States who have very different points of view of what is right and what is wrong. We single out minority action I gather as being constitutionally protected because we are concerned about what the majority would do. In so doing, we do not pervert the language of the Constitution.

That gets to the next point: the constitutional overreach of this bill. The bill is almost certainly unconstitutional and beyond Congress’s powers. The first new offense, justified as an exercise of Congress’s 13th amendment power to outlaw the incidents of slavery, fails because it is not tied to the exercise of civil rights or access to public accommodations. The second new offense, justified under the commerce clause, goes too far when it punishes non-economic violent crime simply because of the use of a weapon that has allegedly traveled in interstate commerce.

The bill also unnecessarily contributes to Congress’s federalization of criminal law—a point to which I alluded earlier and on which I said I would expand. This is a process that places great burdens on our Federal courts and undermines their role as a forum for addressing uniquely Federal issues. I mention the Chief Justice of the United States, Justice Rehnquist. He has repeatedly warned against unnecessarily creating new Federal criminal offenses, especially where the matter has traditionally been addressed and can be addressed by State courts. The Chief Justice expressed concern in his 1998 Year-End Report of the Federal Judiciary. I believe this is important enough to quote at length.

He said:

The number of cases brought to the Federal courts in the most serious problems facing them today. Criminal case filings in Federal courts rose 15 percent in 1996—nearly tripling the 5.2 percent increase in 1997. Over the last decade, Congress has contributed significantly to the rising case-load by continuing to federalize crime areas already covered by state laws.

The trend to federalize crimes that traditionally have been left to state courts not only is taxing the Judiciary’s resources and affecting its budget needs, but it also threatens to change entirely the nature of our federal system. The pressure in Congress to appear responsive to every highly publicized societal ill or sensational crime needs to be balanced with an inquiry into whether states are doing an adequate job in these particular areas and, ultimately, whether we want most of our legal relationships decided at the national rather than local level. Federal courts were not created to adjudicate local crimes, no matter how sensational or heinous the crimes may be. State courts do, can, and should handle such problems. While there certainly are areas in criminal law in which the federal government must act, the vast majority of localized criminal cases should be decided in the state courts which are equipped for such work. This was enunciated by Abraham Lincoln in the 19th century, and Dwight Eisenhower in the 20th century—matters that can be handled adequately by the states should be left to them; matters that cannot be so handled should be undertaken by the federal government.

As is very clear by the language of the statute itself, that is not the test used for determining whether or not prosecutions will be held by the Federal Government for these crimes.

The Federal courts are already overwhelmed with existing Federal offenses, at the same time that this Senate is dragging its feet on filling the Federal court vacancies that currently exist or even holding votes on new judges. Yet here we go creating a whole new set of Federal offenses for crimes that are already proscribed by State law. No doubt the Federal judiciary is watching this debate and thinking to itself, “There they go again.”

It bears emphasis that the States not only already punish the crimes we are dealing with here as violent crimes; in addition, 45 States and the District of Columbia already punish hate crimes. What we are doing is creating a double redundancy, a new Federal offense for hate crimes that are already punished in two different ways at the State level.

Nor is it fair to accuse the States of inadequately enforcing their laws in this area. For example, consider the first and third incidents cited in the committee report for this bill involving murder in Humboldt, NE, and in Yosemite Park committee report relies on these incidents to supposedly show the need for a new Federal law. But what these incidents show, instead, is how this law is unnecessary and redundant. Indeed, it would punish these offenses less severely than they have been punished under State law.

In the Nebraska crime, prosecutors sought and obtained the death penalty. In the Yosemite case, they have not yet been able to get. Yet had either of these offenses instead been prosecuted under the law envisioned by this bill, the death penalty would not have been an option. The bill provides for no death penalty, even for the most brutal murders. And we call this an appropriate reaction to something we detest so much, something we call a hate crime, that we are willing to bend the Constitution to make it a new Federal offense.

The death penalty would not have been available under this bill, either as a deterrent or as leverage to secure a life sentence during plea bargaining, which is frequently why the death penalty can be successful. So why do we need a Federal law to provide less punishment than is already available under State law?

Finally, this bill would explicitly allow the same defendant to be punished twice for the same crime, based solely on a Federal official’s determination that the State sentence that the defendant is already serving has somehow left Federal interests “unprotected.”

The Supreme Court has been willing to ignore such double prosecutions, Congress, at least, should recognize the unfairness of allowing a defendant to be tried twice punished twice, by two different courts, for the same crime.

Since I see my distinguished colleague from Wisconsin in the Chamber, and because I have such respect for him, for the sense of fairness that he has exuded over the course of the Judiciary Committee, on which we both sit, while I know he is an ardent supporter of the legislation, I would just ask him, and other colleagues, with whom I have had good dealings over the years, to acknowledge that it is inappropriate for us to have debate on this important matter cut off so soon after the filing of the bill—14 minutes after the bill was brought to the floor, cloture was invoked—to have very little opportunity to present amendments and to have the nature of those amendments restricted.

I could be wrong, but I have been told by staff that even making these crimes punishable subject to the death penalty would be ruled not germane. I cannot believe that. But if that is true, it shows you how restrictive the cloture rule would be.

I would ask my colleague, and any others who are supporters of this bill, to consider, on something so important, that we should not be invoking cloture so soon in the process but should allow those of us who have constructive suggestions—as in the case of the alternative mentioned by the Senator from Wisconsin, that we should not have brought this particular bill at this time. If it is so important, then we need to have the time to debate it. If it takes a back seat to issues that are more important, then we should not have brought it up. I do not think we can have it both ways.

I would ask my colleagues for the same kind of fairness that has been offered to them when the majority was held by another party, and to give us more time to debate and consider amendments on this legislation, and not to proceed with cloture at such an early time in the legislative process.
I thank the Chair and yield the floor. The PRESIDING OFFICER (Mrs. Carnahan). The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I thank the Senator from Arizona for his kind remarks in the Chamber with regard to another matter, but I look forward to discussing this issue at a later time.

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

Mrs. MURRAY. Madam President, I join my colleagues today to speak in support of S. 625, the Local Law Enforcement Enhancement Act.

In every corner of our country, communities have been trying to respond to hate crimes. Despite great gains in equality and civil rights throughout the last century, too many Americans are subjected to discrimination, violence, and even death because of who they are. The Federal Bureau of Investigation has documented over 8,000 incidences of crime motivated by bias in the United States in 2000. Crimes motivated by the victim's race, color, religion, sexual orientation, ethnicity, national origin, disability, or gender. These crimes attack the values and rights of every American, yet today there is no federal law stopping these crimes.

Passing the bill before us will give us more tools to fight this special brand of crime. I am honored to join with many of my colleagues as a co-sponsor of this important legislation. The legislation we are considering would expand the definition of a hate crime and improve prosecution of those who act out "their hate" with violence. If someone harms any person because of the victim's race, gender, ethnicity, color, religion, national origin, disability or sexual orientation, they will be punished.

It is important to note that the prosecutor would still have to convince a jury beyond a reasonable doubt that the criminal act was motivated by prejudice, and states would be involved in helping to determine whether a defendant would be charged with a Federal hate crime. The bill would also importantly require the FBI to document and report hate crimes committed against women.

Previously the FBI was only required to collect data from crimes committed because of a person's race, religion, sexual orientation, disability and ethnicity. This bill will allow us to know the "who," "what" and "why" so we can work to end these crimes against women.

I know some of my colleagues have argued that the states are doing an adequate job of handling hate crimes on their own, and I commend the States for their efforts, but I believe the Federal government has an important role in this as well. At the Federal level, we already prosecute many crimes that are motivated by prejudice. We need to strengthen these Federal hate crimes laws and increase the role of the federal government in ending this violence.

It wasn't that many years ago that we stood up for equality and justice by forcing the States and private citizens to end segregation and discrimination. Now we must do the same for hate crimes against our citizens.

Madam President, we are a Nation of laws. We are a Nation that respects the individual and individual liberty. We are a Nation that commands respect. We are a Nation that tolerates and celebrates our diversity. These are some of our most cherished values. We cannot allow hate crimes to threaten our fellow citizens and undermine our democracy. I urge my colleagues to support this important piece of legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I call up amendment No. 3824 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The Assistant legislative clerk read as follows:

The Senator from Utah [Mr. Hatch] proposes an amendment numbered 3824.

Mr. HATCH. Madam President, I ask unanimous consent that the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the penalty section to include the possibility of the death penalty)

On page 10, strike line 14 and all that follows through page 11, line 23, and insert the following:

both;

(b) shall be imprisoned for any term of years or for life in accordance with this title, or both, if the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill; and

(c) shall be punished by death or imprisonment for any term of years or for life, or both, if death results from the offense.

(2) Offenses involving actual or perceived religion, national origin, gender, sexual orientation, or disability—

(a) In general.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, or disability of any person—

(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both;

(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill; and

(iii) shall be punished by death or imprisonment for any term of years or for life, or both, if death results from the offense.

Mr. Hatch. Madam President, I reiterate my view that S. 625 is a misguided invasion into an area historically and constitutionally reserved to State and local law enforcement authorities. But let me say now S. 625 is the first iteration of S. 625's most egregious shortcomings is that while it purports to send a message the Federal Government is going to be tough on hate crimes, it actually threatens to weaken the punishment available under many State laws for the perpetrators of violent hate crimes.

In the successful State and local prosecutions of the killers of James Byrd, Matthew Shepard, and Billy Jack Gaither, prosecutors and law enforcement officials in Texas, Wyoming, and Alabama were able to consider seeking the death penalty. They did. Let's pause to consider why they did so.

James Byrd, who was African American, was beaten and hung off the back of a pickup truck, and dragged 4 miles down rural roads by men who had links to a white supremacist group.

Billy Jack Gaither, who was gay, was bludgeoned with an axe handle, had his throat slit, and then was thrown on a pile of tires and set on fire by men who cited Gaither's sexual orientation as their motivation for the killing.

Matthew Shepard, who was gay, was kidnapped, beaten so severely that his skull was fractured a half dozen times, tied to a fencepost, and left to die by two men who hated homosexuals.

I have no hesitation in concluding that State and local officials acted appropriately in seeking the death penalty for these most heinous of crimes. In the case of James Byrd, they successfully obtained the death penalty for two of the three defendants. In the case of Matthew Shepard, the possibility of the death penalty led to an early plea bargain that resulted in life sentences for both defendants. And in the case of Billy Jack Gaither, the possibility of the death penalty led one of the two defendants to plead guilty and testify for the Government at the trial, after which he was sentenced to life in prison. The other killer was eventually convicted and ultimately sentenced to life in prison after the victim's family requested that the death penalty not be imposed.

Right now, in a case currently pending in northern California, State prosecutors are pursuing charges against two brothers charged with murdering a gay couple. And there is more. I could go on. I have three charts that show just some of the hate crimes cases prosecuted by State and local authorities where the death penalty was used successfully.

The facts speak for themselves, and I will not go through these cases one by one. I ask unanimous consent that the crimes noted on these charts be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:
Mr. HATCH. Madam President, none of these results—none of these death-penalty-eligible cases shown on these charts—would have been possible under S. 625—not one of them. This legislation, while federalizing hate crimes, would not allow capital punishment for those who murder savagely out of big- otry, prejudice, or hatred. The practical effect of S. 625 is to substantially weaken existing State law. In fact, even 18 U.S.C. section 245, the current Federal law that specifically addresses hate crimes, provides for the death penalty.

It is truly ironic that S. 625’s failure to provide for the death penalty actually represents a decided benefit to those who would commit these heinous crimes, and it takes away some of law enforcement’s most important pretrial bargaining techniques in order to get one or more witnesses to these crimes to testify or one or more participants to testify against the others. Not only would this legislation undermine existing State laws, but it would substantially weaken their protections and weaken law enforcement’s ability to get to the bottom of some of these crimes. In consequence, this legislation would be less likely to deter future hate crimes as well as many State laws on the books today.

If we as an institution are serious about addressing the problem of hate crimes, then we must permit for the possibility of the death penalty as being the appropriate punishment in some of these cases. If we are to take these sorts of cases away from State and local law enforcement officials who have been doing such a thorough and effective job prosecuting them with the possibility of the death penalty, then our Federal prosecutions must be equally well equipped and prepared to do as good a job as State and local officials have done.

That is why it would only make sense to support my amendment to provide for the possibility of the death penalty in appropriate cases if you support the underlying bill.

I noticed the distinguished Senator from Oregon is here, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATCH. Madam President, I have every day put into the CONGRESSIONAL RECORD the details of a hate crime. These are always violent, they are always sickening, but they also happen to an American citizen. They happen sometimes because the victim is black, gay, disabled, female, or even of Middle Eastern descent. And yet they are all Americans. So they ought to have the concern of all in the Senate.

I wish to speak again on the Senate floor about another crime. It is gruesome. It happened just a year ago, and it involved a young Navajo boy by the name of Fred Martinez, Jr. He had gone to a local rodeo. He was openly gay; apparently also transgender; again, of Navajo descent. He was found south of Cortez, CO. He had died after being repeatedly hit on his head with a rock and left in a small canyon, possibly suffering for an extended period of time before dying.

Police investigated this murder as a hate crime. The perpetrator of this crime, who was recently sentenced, allegedly bragged he “bug-smashed a fag.”

The victim’s mother told the press that she believes her son was killed because he identified himself as transgender. He occasionally dressed as a girl. In the mind of his murderer, Fred deserved to die for such conduct.

I believe the Government’s first duty is to defend its citizens against hatred, against the harms that flow from a hate-filled heart. I stand in support of the Local Law Enforcement Enhancement Act of 2001 to make sure that it should ever happen again to a Fred Martinez, or anyone else, it will not go unpunished by law enforcement at every level. That is really what this bill is about.

I have listened to my colleagues and their concerns about this legislation, and I stand to express my disagreement with parts of what they say.

What is the role of the Federal Government? Some have suggested that we have no place here, that this is the role of the local and State law enforcement. I believe the role of the Federal Government is whatever is necessary to make sure that justice is done, not to overtake local and State authorities but to help, to contribute, to backstop, to provide resources, to provide skills that sometimes are uniquely had by the Federal Government.

I just came from a press conference with Sheriff David O’Malley from the State of Wyoming. He is the local law enforcement official who pursued and ultimately helped in the prosecution of the murderers of Matthew Shepard. It was, frankly, his visit to my office, with the mother of Matthew Shepard, Judy Shepard, that persuaded me to take another look at this issue.

Sheriff O’Malley made clear to me that he was a conservative Republican, but he was for Federal hate crimes legislation because he could have used the help. The horror of that young man’s murder so galvanized national opinion and the focus of the media that their little Laramie, WY, law enforcement was overwhelmed by the national scope of this tragedy. Frankly, they did end up prosecuting it well, doing it right, convicting these murderers, but his point was the Federal Government should have been able to show up: We could have used the help.

In the case of James Byrd in Texas, another hideous case, where a black man was dragged to death, in that case, because our Federal hate crimes law already covered issues of race, the Federal Government was able to show up to work and were even harmfully helpful in the pursuit and the prosecution of the murderers of James Byrd.

My response then is, what role is there for the Federal Government? Whatever role is necessary to assure that justice is done. I would like to see the Federal Government show up to work and express the great heart and the values of the American people.

<table>
<thead>
<tr>
<th>Victim</th>
<th>Defendant</th>
<th>Jurisdiction</th>
<th>Facts</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>James Byrd</td>
<td>Lawrence Russell Brener</td>
<td>Texas</td>
<td>Beat Byrd (an African-American) unconscious, charged him to the back of a pickup truck and dragged him for miles down rural roads.</td>
<td>Death Penalty.</td>
</tr>
<tr>
<td></td>
<td>John William King</td>
<td>Texas</td>
<td>Beat Byrd (an African-American) unconscious, charged him to the back of a pickup truck and dragged him for miles down rural roads.</td>
<td>Death Penalty.</td>
</tr>
<tr>
<td>Shawn Allen Berry</td>
<td>Texas</td>
<td></td>
<td>Beat Byrd (an African-American) unconscious, charged him to the back of a pickup truck and dragged him for miles down rural roads.</td>
<td>Death Penalty.</td>
</tr>
<tr>
<td>Roxanne Ellis and Michelle Madill</td>
<td>Oregon</td>
<td></td>
<td>Shot Ellis and Abilki (a homosexual couple) to death as they lay gagged in the back of his truck.</td>
<td>Death Penalty.</td>
</tr>
<tr>
<td>Vassudev Patel</td>
<td>Mark Stromman</td>
<td>Texas</td>
<td>Shot Patel (an Indian man after 11) because Stroman thought Patel looked Middle Eastern.</td>
<td>Death Penalty.</td>
</tr>
<tr>
<td>Alex Witmer</td>
<td>Indiana</td>
<td></td>
<td>Drove the truck from which Powell fired 12 shots at Richardson (an African-American) in an attempt to gain acceptance into the Aryan Brotherhood.</td>
<td>Death Penalty. Available. Plead guilty. Sentenced to 85 years in prison.</td>
</tr>
<tr>
<td>James Williams</td>
<td>California</td>
<td></td>
<td>Kidnapped Shepard (a homosexual college student), beat him so severely that his skull was fractured a half dozen times, tied him to a fence post and left him to die.</td>
<td>Death Penalty. Available. Plead guilty. Sentenced to life in prison without parole.</td>
</tr>
<tr>
<td>Russell Henderson</td>
<td>Wyoming</td>
<td></td>
<td>Avoided the death penalty by agreeing not to appeal the life sentence.</td>
<td>Death Penalty. Available. Plead guilty in order to avoid the death penalty. Sentenced to two consecutive life terms with no possibility of parole.</td>
</tr>
</tbody>
</table>
As I listen to some of my colleagues' complaints, I frankly think they make, on occasion, some very valid points. But their point should not be against including gays, gender, and the disabled. Their argument is really against the whole category of hate crimes, this Federal law had for the last 30 years. Since 1968, we have had Federal hate crimes legislation. As I pointed out, it helped in the case of pursuing the murderers of James Byrd. It did not help in the case of Matthew Shepard. My point to them is, why oppose its expansion? Why don't they go after race, religion, and national origin? If it is good for those categories, why is it not good for these new categories? That is a question I simply have not yet had answered.

Questions as to constitutionality have been raised, and there may be a point I am missing, but this issue has been fully vetted by the U.S. Supreme Court. In two cases, RBA v. The City of St. Paul, and Wisconsin v. Mitchell, these cases clearly demonstrate that a hate crimes statute may consider bias motivation when that motivation is directly connected to a defendant's criminal conduct. We are not going after speech. We are not going after thought. We are going after conduct.

As with any criminal law, in any criminal act there are elements in the crime. That is yet another element is not the crime, it is an element in making up the category of the crime. By requiring this connection to criminal activity, these statutes do not chill protected speech and do not violate the first amendment. In Wisconsin v. Mitchell, the Supreme Court made clear that:

The First Amendment does not prohibit the evidentiary use of speech to establish the elements of a crime or to prove motive or intent.

So it seems clear to me that one can say whatever they want about gays, transgenders, and women. They are not prohibited from doing that. If they act on it, that can be an element in determining whether this falls under the Federal hate crimes law.

So those who oppose this, I really think their argument is not towards its expansion but against the law as a category itself. So their amendment should be to get rid of this as a category. I will not be voting for that. I would not suggest anyone do that because I believe our hate crimes law truly does reflect the big heart of the American people. All crime is hateful. That is a given. We grant that. But when an attack is made on a Navajo homosexual boy, and he is thereby a part of a crime which victimizes a much larger community, what is wrong with our saying, as a people, we want every level of government—the local, the State, the Federal Government—to help to pursue and prosecute such crime? I cannot see the problem with it.

I think the argument that is being made is against the whole statute of hate crimes. It should not be made against gays and lesbians, but it is.

I would like to draw the attention of my colleagues to the case of Mark Bangerter from Idaho. He was the victim of a brutal attack. He wrote to the Justice Department and asked for help in pursuing those who had been hurtful to him.

The Justice Department writes back to him saying:

Dear Mr. Bangerter: This letter is in response to your report that on April 15, 1998, you were the victim of a vicious attack by an unidentified individual who apparently believed that you were homosexual. According to the information you provided Special Agent Joseph W. Hess, Jr., on May 12, 1998, the attack caused you severe facial injuries. You case was thoroughly discussed with the United States Attorney's office in Boise, Idaho, in an effort to explore possibilities under Federal hate crime laws. I must regrettably inform you that as a result of those discussions, it was determined that sexual orientation does not fall within the elements of hate crimes.

Therefore, the Federal Bureau of Investigation lacks the statutory authority to investigate the attacks against you. I strongly encourage you to contact the Boise Police Department and request that an investigation be fully conducted. Sincerely yours,

Had Mr. Bangerter said, please pursue these criminals because I am black, they would have been able to do that. He said, please pursue them because I am gay, and the Federal Government was not able to do that.

I think that is wrong, and the overwhelming heart of the American people calls upon us to pass this law.

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prosecute hate crimes. This is far from compelling evidence in a system of justice where, according to the most recent FBI statistics, citizens report some 11 million criminal complaints in one year, and state and local law enforcement officials make some 14 million criminal complaints.

These numbers make another important point. State and local law enforcement officials process the overwhelming majority of all crimes—some 95 percent of all criminal activity. Their mission is to protect the public, not do their job, it would be another end quickly without high costs.

In most cases, the death penalty would probably not be imposed, but the fact that it could be imposed is a very important element in getting to the bottom of a lot of these cases.

We are talking about a very important set of issues. It is nice to be emotional; it is nice to talk about how big our hearts should be. I don’t think anyone can claim they have a much larger heart than I have. I have pointed it through at least once. The fact is, there is a reason our Founding Fathers wanted a Federal involvement in local law issues, it is a tool that would certainly help almost every prosecutor who understands the cities; they are the people closest to them; they are the people who understand the cities; they are the people who understand the people. They do every bit as good a job as Federal prosecutors.

If we really want to do something about hate crimes, on a Federal level, we should at the least allow for the death penalty so law enforcement and prosecutors can obtain immediate cooperation and guilty pleas, and so defendants will have an incentive to testify against fellow perpetrators, which results in bringing these matters to an end quickly without high costs.

I think the Federal involvement in the statute we proposed will be minimal, but it will be allowable. It will be rare that the Federal Government is brought in. But, again, it took a Republican from Wyoming, Laramie, WY, the sheriff, to come and tell me, just in a practical way, how helpful it would have been if Federal resources and involvement had been included in the prosecution of the Matthew Shepard case.

If in the case of James Byrd it was appropriate, why not in the case of Matthew Shepard? Moreover, why should we not, at this time in our Nation’s history, say to the gay and lesbian community: We care. We do have a big heart. We have a way to include you. And this is the barest of minimums that we ought to do in their behalf.

I think if you are a Navajo gay boy in a lonely Colorado canyon near a small town where local law enforcement is ill-equipped to assure justice is done, that it is entirely appropriate for us now to make available the law enforcement arm and resource and authority of the Federal Government.

I do not wish to subvert in any way the local law enforcement that is the bulwark against crime in this country. Indeed, that is why we call this the Local Law Enforcement Enhancement Act. We are simply trying to enhance the resources and the punishment of those who would commit the most malignant kinds of crime in America.

At a time when this Nation is in a war against terrorism abroad, it is not inappropriate for us to focus as a Congress upon terrorism committed at home. What happened to Matthew Shepard was terrorism. I think it is appropriate for the Federal Government to help in this instance as well.

So if there are flaws in this bill, let’s fix them in committee. But let’s advance this bill because it is the right time and it is the right way in which to do it.

Again, I deeply respect the motives of the ranking member of the Judiciary Committee, I know his heart. It is as good a heart as there is in the place. I know he feels as I do when people are victimized. I think he is genuinely trying to find the right procedural way to get the Federal Government involved in helping.

But all you have to do is go to small town America where many of these horrible acts are and ask them if they couldn’t use the helping hand of the Federal Government. I think they will tell you overwhelmingly: Yes, and it is about time you showed up to help.

I urge my colleagues to vote for S. 625. Now is the time and it is about time. I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Utah.

Mr. HATCH. I appreciate the remarks of my distinguished friend about the way he feels about these matters. I feel precisely the way he does. We are very close friends. I don’t think you can find closer friends in the Senate. I think most people who know me know that I have very deep feelings that no one should be brutalized in our society, regardless of what their sexual orientation is.

But this is a big step. If we take this bill without the death penalty, then we have totally reduced the need of law enforcement to go after these people and to get cooperation from other witnesses and from co-perpetrators.

One of my favorite programs on television happens to be “Law and Order.” If you watch that, you will see the prosecutors regularly use the death penalty as a tool. While fictional, this television show is based substantially on what goes on in real life. Most attorneys who watch the show are pretty impressed with the program. I am one of them. You will notice in many cases that they will use the potential of being subjected to the death penalty to get one or more of the perpetrators to testify against the others. Frankly, it is very effective on this show and in real life.

I, for one, believe that the death penalty should be used only in the most narrow of circumstances. But I believe it is a tool that would certainly help in prosecuting hate crimes. It would certainly help almost every prosecutor who wants to go after violent criminals who act in concert. It certainly helps our State and local prosecutors, and it
would help the Federal prosecutors. But in this particular bill that has been introduced by my distinguished friend from Massachusetts, the death penalty is taken out of the hands of Federal prosecutors.

So I am living in this intellectual, political exercise, in many respects, is tying the hands of Federal prosecutors, while immensely expanding the Federal jurisdiction over virtually all crimes that are called “hate crimes”—in complete disregard for the fact that 95 percent of all prosecutors are prosecuted at the State and local level, and are prosecuted well.

I know the distinguished Senator from Oregon cited the Bangerter case. The people who attacked Bangerter and hurt him were prosecuted and convicted, as I understand. There are bound to be maybe four or five cases over the last decades that weren’t prosecuted. But that doesn’t justify giving this wholesale expansion of state authority to local prosecutors.

One of the things I personally chatted about with the current Chief Justice and other Justices on the Court—one of the things I personally discussed with them—is their concern about the conflict of the number of State and statutory Federal crimes when there is no evidence that the State and local prosecutors are not doing their job. The amendment I intend to file at a later time, which will be a substitute for the bill of the distinguished Senator from Massachusetts, provides for the tools and the help for those small communities, such as the one in Colorado that distinguished Senator from Oregon referred to, to prosecute these crimes.

Although there is no evidence that they can’t do it or that they aren’t doing it, my amendment makes sure that hate crimes will and can be prosecuted by providing resources.

If the Oregon Constitution is truly only concerned with enhancing local law enforcement—this bill, ironically, is called the Local Law Enforcement Enhancement Act. This bill takes away the authority of local law enforcement and puts it in the hands of Federal prosecutors when there is no evidence they need to do that. Nor is there any indication that we should turn over this kind of responsibility to Federal prosecutors, nor that they should have the right to come in and overrule local prosecutors in the process who are doing the job.

If my colleague from Oregon is truly only concerned with enhancement of local law enforcement, I hope he will vote for my substitute which will be offered later in this debate. That is what my substitute will do—enhance and not supplant local State prosecutors. I will discuss that in detail later, and hopefully we will be able to bring it up and get a time agreement whereby we have a limited number of amendments. And that will certainly be one of them. If we win, we win. If we lose, we lose. But at least we will have debated it, and we will have had a chance to improve this bill by leaps and bounds.

During our last debate on hate crimes, Senator Kennedy criticized me for arguing against the federalization of hate crimes when I have supported providing Federal jurisdiction in other, completely unrelated areas, such as computer fraud or class actions. This is the classic apples versus oranges argument.

In those other cases, there has never been any serious question that the proposed Federal jurisdiction would be constitutional. I consider every piece of legislation on its own merits.

The distinguished Senator from Massachusetts, a noted opponent of the hate crimes provision in this bill, raised a constitutional question. The purpose of the amendment I intend to file at a later time would be to remove the burden on the Federal governmen for arguing against the federalization of local law enforcement.

It is no answer to say that the State and local governments can handle their own cases. As I mentioned, they can’t. Because they can’t, they do not have sufficient funds, manpower or resources to handle these cases. I don’t think it is an answer to say that you can’t do it or that they shouldn’t be doing it.

In fact, prosecutors sometimes do not like to charge a crime as a hate crime—especially when the penalties are no different because they have to prove an extra element: The motive of the defendant to commit the crime based on bias. That is an extra element that would have to be proven, and it makes it tough to get convictions in some of these cases.

It is no answer to say that a State may not have a hate crime or may not be charging enough cases under a specific hate crime law. The real question is, Are States failing to prosecute hate crimes? The answer is a resounding no.

When we challenged the Clinton administration and the then Deputy Attorney General, Eric Holder, to come up with any examples where local prosecutors were not taking care of these problems, they couldn’t not do it.

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.

UNANIMOUS CONSENT AGREEMENT—S. RES. 272

Mr. REID. Mr. President, I ask unanimous consent that at 5:45 p.m., today, the Senate proceed to the consideration of S. Res. 272, regarding the delivery of signatures to the Cuban National Assembly; that the substitute amendment be agreed to; and that the Senate vote on the resolution, as amended; that following the vote, the amendment to the preamble be agreed to, the preamble be agreed to, as amended, without further action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. Is there objection to it being in order to request the yeas and nays at this time?

Without objection, it is so ordered.

There is a sufficient second.

There appears to be.

The yeas and nays were ordered.

Mr. REID. Mr. President, I also announce, on behalf of the majority leader, this will be the only vote this evening.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, in 3 days’ time, the United States will withdraw from the 1972 Anti-Ballistic Missile Treaty. And it appears that we will do so without any significant debate on this issue in the Senate. For 30 years, the ABM Treaty has been the foundation upon which our strategic relationship with Russia has rested. So I am troubled that this historic treaty is about to be dissolved without so much as a hearing or even any debate in this body. I also regret that the President made this important decision without consulting with the Senate. I find this troubling on both constitutional and policy grounds.

Article II, section 2 of the Constitution states that the President “shall have the Power, by and with the Advice and Consent of the Senate, to make Treaties, provided that two thirds of the Senators present concur.” And article II, section 3 of the Constitution is silent on the process by which the United States can withdraw from a treaty, and the record of the Congress and the executive branch is mixed.

But, the intent of the Framers, as explained by Thomas Jefferson, is clear. In section 52 of Jefferson’s Manual, he writes, “Treaties are legislative acts. A treaty is the law of the land. It differs from other laws only as it must have the consent of a foreign nation, being but a contract with respect to that nation.” And article II, section 3 of the Constitution states that the President shall “take Care that the laws be faithfully executed. . . .”

Jefferson continues, “Treaties being declared, equally with the laws of the United States, to be the supreme law of the land, it is understood that an act of the legislature alone can declare them infringed and rescinded. This was accordingly the process adopted in the case of France in 1798.” It is without noting that, four signers of the Constitution were serving in the Congress when this first treaty termination occurred—by an act of Congress—In 1798,
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just 11 years after the Constitutional Convention.

So it is clear to me, as obviously it was to Thomas Jefferson, that Congress has a constitutional role to play in terminating treaties. If advice and consent of the Senate is required to enter into treaties, this body should at a minimum be consulted on withdrawing from a treaty, and especially from a treaty of this magnitude, the termination of which could have lasting implications on the arms control and defense policy of this country. Today the ABM Treaty is the supreme law of the United States. The Senate should not stand by while the administration unilaterally abrogates this treaty.

I am concerned about the message that the Senate’s inaction sends to this administration and future administrations about how seriously we will take our constitutional responsibilities with regard to the termination of treaties. As Jefferson noted, a treaty is equal with a law. A law cannot be declared to be repealed by the President alone. Only an act of Congress can repeal a law. Action by the Senate or the Congress should be required to terminate a treaty.

Momentarily, I will seek to bring up a resolution on this issue. The resolution is very simple. It just expresses the sense of the Senate that the approval of the Senate is required to terminate a treaty and that the Senate shall determine the manner by which it gives its approval to such a proposed termination. Finally, the resolution disapproves of the withdrawal of the United States from the ABM Treaty.

Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 282, which I submitted earlier today, that the resolution be agreed to, and the motion to reconsider be laid upon the table without the purpose of this case.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FEINGOLD. Madam President, I was not surprised, but I do regret that there has been an objection to the Senate taking up this resolution and expressing its will on this important issue.

I am troubled that the Congress appears willing to cede its constitutional responsibility on this matter to the executive branch. I am concerned about the signal that the Senate’s refusal to act sends to the executive branch and what it could mean for the future of other treaties with which this or other administrations may not agree.

The Senate does not grant its advice and consent to ratify treaties lightly, and we should not abrogate our responsibility to express the will of this body on whether the United States should withdraw from treaties. By failing to act on this important issue, we are granting the executive branch undue license to trample on the constitutional prerogatives of the Senate and to blur the separation of powers and system of checks and balances. I am concerned that the Senate’s inaction today tips the scales dangerously in favor of the executive branch.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I would like to be recognized to address this issue.

The PRESIDING OFFICER. The Senator is recognized.

THE SHAD PROJECT

Mr. NELSON of Florida. Mr. President, over the course of the last few days, I have learned some rather disturbing news about U.S. servicemen being used as human guinea pigs. It is a project that was conducted in the 1970s aboard ships, the ships in the Pacific, a project known by the acronym of SHAD—S-H-A-D. It was basically using various biological and chemical agents to expose our sailors, supposedly, in an attempt to have a readier and faster attack that an attack occur upon our troops. At that time we were still involved in the Vietnam war.

But with the information that I have received, it is unclear if, in fact, the troops—in this case, the sailors—were told about this. It is, in fact, given the appropriate warnings to get the proper protective gear.

The reason this has come to light—and I want to give credit where credit is due—there is a brave and courageous Congressman in California, Congressman THOMPSON, who has been railing about this issue. But it has recently come to my attention because several of those now retired sailors are being notified by the U.S. Government that they should come in and get examined medically, and some of those former sailors are in the State of Florida.

Now, here is the extent of it. There were some 113 tests that were made. The only ones that have been released thus far are some 12 of the 113 tests. According to the sources I have, in those 12, there were a total of 4,300 sailors who were exposed to these chemical and biological agents that were sprayed on or over the ships in the Pacific in the 1970s. Of those 4,300 sailors, only 622 have been notified and have been notified by mail.

By the way, how it came to my attention is 51 of those 622 happen to reside in the State of Florida.

This, in and of itself, portends some very serious consequences for our country. As a member of the Senate Armed Services Committee, I want to know, now some three decades later, that we are contacting these sailors to come in and get checked medically. I want to know their exposure, and were they given the proper protective gear.

I want to know who were the military personnel, were there any civilian personnel, and were there any substances we should know about so that we could give the kind of medical care that would be important as the U.S. Government ought to be protecting the people, particularly the people who served in uniform trying to protect this country.

When this came to my attention last week, I wrote to the Secretary of Defense and asked him for an explanation. I have written to our wonderful Chairman of the Armed Services Committee, Senator Levin, and asked him to conduct an inquiry and hearing, if necessary, and if it needs to be classified, then we can operate in the Armed Services Committee in a classified manner to find out exactly what the degree of exposure was and what the degree of medical attention should be in order to protect these American citizens.

If that is not enough, I have also had my suspicions aroused because in the 1970s we were still involved in the Vietnam war. This was an airbase that during World War II was a training base for flyers. After World War II, in the 1950s, there was research going on at this particular airfield to develop a toxin that would attack and kill the Soviet wheat crop.

Remember, in the 1950s we were immersed in the cold war. We didn’t know what to expect. We had the two nuclear superpowers. We were investigating: Could we develop a toxin that, if the United States were attacked, with which we would be able to attack their agricultural supply.

Why was that done in Florida? Well, we don’t raise wheat in Florida. So that is one of the reasons Florida was chosen. But in addition to the Boca Raton location, there were other field tests made not only for wheat but perhaps for other substances that I have been able to find that were going on in the State of Florida, in locations such as Belle Glade, Fort Pierce, Avon Park, and Panama City.

A couple of months ago, I wrote to the Department of Defense and asked for information about this matter, along with the same line of inquiry which I have just spoken about with regard to SHAD, the gassing of the sailors in the 1970s. I wanted to know: Were people at risk? Were military personnel exposed? Were civilians exposed? And on the 85-acre parcel to the north of what is now Florida Atlantic University, built on the Boca Raton airport, a part of the old airbase, an 85-acre piece of land where this testing was going on, were there toxins that were dumped there? Were there toxins buried there?

Basically, to my inquiry to the Department of Defense, a couple months ago, they said they could not tell me because it was classified. Well, the Senate Committee on Armed Services is not only capable but is quite experienced in handling highly classified matters of the Government. The Department of Defense would be forthcoming to let us know if there is a problem, and if there is, what we are going to do about it.
These two issues have come up in the last few days and have certainly aroused my suspicions. I call on the good offices of the Secretary of Defense, who I think personally is doing a very good job, to see that his organization shines a light and produces the document the Senate needs in its oversight capacity.

VARELA PROJECT

Mr. NELSON of Florida. Mr. President, in just a few minutes we will have a vote on a resolution, thanks to the chairman of our Western Hemisphere Subcommittee, Senator DODD, and the chairman of the Foreign Relations Committee. He so graciously, for me, has set this vote in just a few minutes on a resolution that passed out of the Foreign Relations Committee unanimously commending, as a Senate resolution, the very courageous citizens in the country of Cuba who have put their lives on the line by putting their names and addresses on the line under the Cuban Constitution, petitioning for free elections, petitioning for free speech, petitioning for the release of political prisoners, petitioning to move from a state-controlled economy to an economy of free enterprise. Those 11,000 courageous citizens, operating under the Constitution of Cuba, stepped forth under the constitutional provision that says if over 10,000 petition the Government, the Government will take up the matter in the National Assembly to act on those four freedoms I just mentioned.

I want to bring to the attention of our colleagues the fact that these people have put their lives on the line. The Castro government could stop it tomorrow. But today the Senate will send a strong message of support for these courageous citizens of Cuba who are playing by the rules and who want to see the winds of change and the fresh breath of freedom suddenly start to be realized in Cuba.

I also want to commend the chairman of the full committee and the chairman of the subcommittee that they have brought forthwith so quickly this resolution so that the Senate can stand on record to commend these citizens in Cuba.

I see my colleague, the chairman of our subcommittee, ready to speak. Few people knew about this project called the Varela Project until President Carter went to Cuba. When he had that chance to speak Ilye to the Cuban people by radio and TV, he spoke about the Varela Project and how courageous these folks were. All the people of Cuba now know what it is. Today, the Senate is going to have a chance to go on record to support them.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, there are only a few minutes before the vote. What time is the vote?

The PRESIDING OFFICER. The time is 5:45.

Mr. DODD. I see my colleague from the State of Washington who wants to address another matter. I will be brief. I commend our colleague from Florida for crafting this resolution, which will be voted on shortly, by the Senate. He is absolutely correct, it did come out of our committee with a unanimous vote.

Mr. President, I rise in support of S. Res. 272. All too often when we have engaged in debate on matters related to Cuba, there have been a great deal of polemic—a lot of heat but very little light shed on the subject matter under debate. That is not the case with the resolution we are considering this afternoon.

I have been critical in the past on various policies the US has pursued regarding Cuba. The audience we ought to listen to most are the people behind the projects like the Varela Project, the people who have stayed in Cuba to try to bring about change there—those who have lived in Cuba for 15, 20, or 25 years, in some cases longer—because of their political views. Those who have authored this Varela Project deserve a great deal of credit for having the courage to round up 11,000 signatures, which is remarkable considering some of the pressures they will be under.

I commend Senator BILL NELSON of Florida for crafting this resolution. He has attempted to stick to the facts and to keep the spotlight on what is actually happening on the Island of Cuba.

This resolution recognizes a remarkable occurrence—the fact that 11,000 Cubans have petitioned their government for the holding of a referendum on civil, political and economic changes they wish to see. It is also refreshing that, thus far, the government of Cuba has taken no action against the organizers of this effort.

Thanks to the recent visit of former President Jimmy Carter to Havana last month, the Varela project now has international visibility. More importantly, because President Carter's speech, including references to this effort, was broadcast on Cuban TV and radio, and reprinted verbatim in the official Cuban newspaper, the Cuban people are now aware of this as well.

The organizers of Varela have chosen to exercise their rights under the Cuban Constitution to submit legislation to the National Assembly for its consideration. Some in the Cuban exile community have been critical of this effort because they believe it legitimizes the Cuban constitution and therefore it should be opposed. I reject that argument.

For too long, we in the United States have tried to tell the Cuban people what is best for them. We did so at the time of Cuban independence from Spain and we did so again during the Batista regime. The result was the 1959 Cuban revolution and the Castro Government.

Let's listen to the voices inside Cuba. Let's listen to those who have stayed in Cuba and sought to change it from within.

Those voices have called for the United States to engage with Cuba. Those voices have called for an end to the travel ban.

If the Carter visit demonstrated anything, it demonstrated that the presence of Americans in Cuba offers opportunities for more political space in Cuba not for shoring up the Castro regime.

Mr. President, the Varela project was inspired by Cuban citizens. These citizens have taken advantage of rights provided to them under the Cuban Constitution. The Cuban government should honor those rights and give serious consideration to this request.

We in the United States should demonstrate self restraint and allow Cubans to retain ownership of this initiative. We need to be careful not to appropriate these internal efforts inside Cuba. If we give it too much of a label of a fad made in the U.S., then this project will be hurt and the effort will be hurt. We have been warned repeatedly by dissidents and human rights activists inside Cuba that, too often, if we become associated with efforts there, we are seen as nothing more than tools of United States foreign policy with regard to Cuba. We should try not to give the Castro government any opportunities to suggest that this is just another plot by the United States to attack the Cuban people.

I commend the organizers of the Varela initiative and all who have joined with them in their effort to seek peaceful change in Cuba. I stand ready to listen to their voices and assist them in any way they believe will be helpful in bringing their aspirations to fruition.

What is most important is not what we do, but rather what they are doing in Cuba, what they are showing by their tremendous sense of commitment to democracy and freedom. For those reasons, we are endorsing their effort with this resolution, and I strongly support it and urge its adoption.

I yield the floor.

THE VARELA PROJECT'S COLLECTION OF CERTIFIED SIGNATURES IN SUPPORT OF A NATIONAL REFERENDUM AND THE DELIVERY OF THESE SIGNATURES TO THE CUBAN NATIONAL ASSEMBLY

The PRESIDING OFFICER. Under the previous order, the clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 272) expressing the support of the Senate resolves the success of the Varela Project's collection of 10,000 certified signatures in support of a national referendum and the delivery of these signatures to the Cuban National Assembly.

The Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations with an amendment and an
amendment to the preamble, as follows:

(Whereas the Varela Project is engaged in the promotion of a peaceful transition to democracy in Cuba: Now, therefore, be it
Resolved, [That the Senate—
(1) supports the constitutional right of the citizens of Cuba who have signed the Varela Project to petition the Cuban National Assembly for a referendum; and
(2) calls on the Cuban government to accept the Varela Project petition and, in accordance with its obligation under Article 88 of the Cuban Constitution, to hold a referendum on civil liberties, including freedom of speech, an amnesty for political prisoners, support for private business, a new electoral law, and a general election; and
(3) praises the bravery of Oswaldo Paya and his colleagues in collecting 11,020 verified signatures in support of the Varela Project;
(4) calls on the Cuban government to provide its citizens with internationally accepted standards for civil and human rights, and the opportunity to vote in free and fair elections;
(5) urges the President and his representatives to take all appropriate steps to support the Varela Project and any future efforts by the Cuban people to exercise their constitutional right to petition the National Assembly in support of a referendum; and
(6) urges the President to pursue an active policy of directly assisting the Cuban people and independent organizations to strengthen the forces of change and to improve human rights in Cuba.)

Whereas the Varela Project is supported by 140 opposition organizations in Cuba and has received no money or support from foreign citizens or foreign governments;

Whereas Mr. Paya’s petition drive is inspired by the 19th-century priest and Cuban independence hero, Padre Felix Varela, and is known as the Varela Project;

Whereas the Varela Project seeks a referendum on civil liberties, including freedom of speech, amnesty for political prisoners, support for private business, a new electoral law, and a general election;

Whereas the Varela Project is supported by 140 opposition organizations in Cuba and has received no money or support from foreign citizens or foreign governments;

Whereas the Varela Project is the largest petition drive in Cuban history;

Whereas the Varela Project is a step in moving Cuba toward achieving international standards for human rights;

Whereas the goal of United States policy in Cuba is to promote a peaceful transition to democracy through an active policy of supporting the forces of change on the island; and

Whereas the Varela Project is engaged in the peaceful transition to democracy in Cuba: Now, therefore, be it
Resolved, [That the Senate—
(1) supports the constitutional right of the citizens of Cuba who have signed the Varela Project to petition the Cuban National Assembly for a referendum; and
(2) calls on the Cuban government to accept the Varela Project petition and, in accordance with its obligation under Article 88 of the Cuban Constitution, to hold a referendum on civil liberties, including freedom of speech, amnesty for political prisoners, support for private business, a new electoral law, and a general election; and
(3) praises the bravery of Oswaldo Paya and his colleagues in collecting 11,020 verified signatures in support of the Varela Project:
(4) calls on the Cuban government to provide its citizens with internationally accepted standards for civil and human rights, and the opportunity to vote in free and fair elections;
(5) urges the President and his representatives to take all appropriate steps to support the Varela Project and any future efforts by the Cuban people to exercise their constitutional right to petition the National Assembly in support of a referendum; and
(6) urges the President to pursue an active policy of directly assisting the Cuban people and independent organizations to strengthen the forces of change and to improve human rights in Cuba.)

Whereas the Varela Project is supported by 140 opposition organizations in Cuba and has received no money or support from foreign citizens or foreign governments;
support for private business, a new electoral law, and a general election;

Whereas the Varela Project is supported by 140 opposition organizations in Cuba and has received no money or support from foreign citizens or foreign governments;

Whereas the Senate—

(1) supports the constitutional right of the citizens of Cuba who have signed the Varela Project to petition the Cuban National Assembly for a referendum;

(2) calls on the Cuban National Assembly to give serious consideration to the Varela Project petition in accordance with Article 88 of the Cuban Constitution and to the holding of a referendum on civil liberties, including freedom of speech, an amnesty for political prisoners, support for private business, a new electoral law, and a general election;

(3) praises the bravery of Oswaldo Paya and his colleagues in collecting 11,020 verified signatures in support of the Varela Project;

(4) calls on the Cuban government to provide its citizens with internationally accepted standards for civil and human rights, and the opportunity to vote in free and fair elections; and

(5) urges the President to support the right of the citizens of Cuba who have signed the Varela Project to petition the Cuban National Assembly for a referendum and the peaceful path to democracy.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. REID. I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

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

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

WAR POWERS AND THE CAMPAIGN AGAINST TERRORISM

Mr. FEINGOLD. Madam President, today I would like to address one of the most complicated but ultimately one of the most important constitutional questions facing this country as we respond to the atrocities of September 11: that is, the question of how America decides to go to war. This is no easy issue, but it is one that Congress is duty-bound to address.

As we know, war powers are purposefully given to our Constitution. Under Article I, Section 8, Congress has the responsibility to declare war, and to raise and support the Armed Forces. The President, under Article II, Section 2, is the Commander in Chief, which gives him responsibility for leading the Armed Forces. The War Powers Resolution of 1973 fulfills the intent of the Framers of the Constitution by providing a framework for balancing power between the two branches of government.

That collective judgment of both the Congress and the President will apply to the introduction of the Armed Forces into hostilities, or into situations where significant involvement in hostilities is likely.

In April, I had a chance to chair a hearing in the Constitution Subcommittee of the Judiciary Committee to consider this balance of war powers authority under the Constitution, particularly as we move forward with our fight against terrorism. In the hearing, there was much praise for the respect demonstrated by President Bush, this President Bush, for both the Congress and the Constitution in seeking congressional authorization to respond with appropriate force to the attacks of September 11. The language in that authorization, Senate Joint Resolution 23, paralleled some of the careful oversight provisions contained in the use-of-force resolutions in support of Operation Desert Storm in 1991. In those two cases, both Presidents took the important and constitutionally mandated step of obtaining congressional approval for the new military operation. And in both cases, I do believe, congressional support strengthened the President’s response.

History demonstrates that respect for our Constitution and for the shared war powers authority of Congress is politically practical. Indeed, as our Founders and many subsequent commentators have recognized, the separation of war powers between the two branches of government wisely forces us to develop broad consensuses before placing our Nation’s young men in harm’s way. And as we have seen time and again, the United States is indeed the most formidable military force on this planet, provided our soldiers are entrusted with a clear military goal, and through congressional authorization, with the popular mandate that is needed to back them up.

The Resolution limits the President to respond militarily to situations where there is a connection to the events of September 11. The hearing in the Constitution Subcommittee considered the scope of such a limitation. As I will discuss at greater length, there was widespread agreement in the hearing that absent a clear finding that a state such as Iraq participated in, aided, or otherwise provided support for those who attacked the United States, the President would not be authorized, under the terms of S.J. Res. 23, to take new military action against Iraq. Senate Joint Resolution 23 does not provide unlimited authority to the President to engage in a military action against any bad actors. At the same time, the authorization does foresee broad actions against those responsible for the September attack on the United States.

It is also important to recognize that S.J. Res. 23 states in certain terms that the 1973 War Powers Resolution will continue to apply to our military operations against terrorism. This conforming language is identical to Public Law 102-1, which provided the authorization to use military force against Iraq from Kuwait in 1991. In all cases, the War Powers Resolution requires the President to consult with Congress on an ongoing basis on the status, scope, and duration of the hostilities.

Those consultations will not and should not provide Congress with what would be somehow a meddlesome and unacceptably dangerous role in determining tactical aspects of an active military campaign. But the required consultations must nonetheless assure Congress in its continuing responsibility to evaluate and make ongoing decisions about the broad objectives of an unfolding military operation.

The war powers consultations to date, in my view, have been inadequate. While the administration has taken significant steps to increase the frequency of briefings for Members of Congress, and we do appreciate that those consultations have been conducted as informational briefings, with little opportunity for substantive policy discussions or meaningful give-and-take. As such they do not in most cases reach the threshold level of consultations under the terms of the War Powers Resolution.

The House Report on the 1973 War Powers Resolution notes that “a considerable amount of attention was given to the definition of consultation.
Rejected was the notion that consultation should be synonymous with merely being informed. Rather, consultation in this provision means that a decision is pending on a problem and that Members of Congress are being asked by the President for their advice and opinions. In appropriate circumstances, their approval of action contemplated.” The increasingly frequent meetings with Secretary Rumsfeld, Secretary Powell, and others, while welcome and appreciated, do not reach such a level of consultation.

In addition, under the War Powers Resolution, the need for additional notification is triggered whenever U.S. Armed Forces are equipped for combat and introduced into a new foreign territory, or if additional Armed Forces are equipped for combat and introduced in numbers that substantially expand existing, previously authorized troop strengths. This is obviously relevant to some of the concerns coming up today. "These requirements do not apply to military training exercises, which is why the President must be clear about the precise role of U.S. forces in a number of ongoing counterterrorism training exercises in different countries. These requirements do not apply to that. In some cases, these counterterrorism training programs may cross the line into counterterrorism combat support, which would trigger the War Powers Resolution. The President must provide clear information to help distinguish between these two types of antiterrorism activities. United States interests are not served through a shortsighted attempt to dodge congressional oversight by characterizing counterterrorism support as routine military training.

In the hearing before the Constitution Subcommittee, we also discussed the important provision within the War Powers Resolution that requires the immediate flexibility provided to the President to introduce U.S. Armed Forces into hostilities in the case of a national crisis created by an attack on the United States, or its territories, possessions, or Armed Forces. This provides the President with the flexibility to respond immediately to defend United States interests during an emergency.

But again, this is a limited exception. The War Powers Resolution specifically requires the President, “in every possible instance,” to consult with Congress before introducing Armed Forces into situations where hostilities appear imminent. And even within this exception for emergency situations, the President must still seek congressional authorization within 60 days to sustain the operation.

My conclusion from the hearing on war powers authority within the context of our fight against terrorism is that to date, the President has shown respect for Congress in seeking authorization to respond to the attacks of September 11. But the ongoing level of consultation on our military campaign has not been adequate. In particular, additional attention must be given to the distinction between counterterrorism training and counterterrorism support for foreign troops during the Gulf War. It is clear that our national interests would be well served by sustained and forthright consultations between Congress and the President over these aspects of our military response to September 11.

The hearing was one of the most important military decisions on the horizon. Several witnesses questioned the authority of the President to take military action against Iraq. The witnesses generally assumed that any strike against Iraq would be designed to defend the United States against Iraqi weapons of mass destruction, and that the President would not assert a direct link between Iraq and the September 11 attacks. As I have indicated, absent such a link between Iraq and September 11, witnesses suggested that the President might advance two legal justifications for taking up arms against Iraq without further, additional congressional authorization. But both justifications ring hollow, and rest on highly questionable legal grounds.

During the hearing, a witness from the Justice Department joined other witnesses in highlighting the authority of the President to launch military attacks as a form of preemptive self-defense. This expands the national emergency exception under the War Powers Resolution by asserting that the President must have the authority to act quickly and decisively to prevent a potential attack on United States interests. Now, few would disagree with the assertion that the President must have the authority to launch a preemptive strike in advance of an imminent attack on the United States. This understanding fits within the overall spirit and intent of the 1973 War Powers law, and it would be irresponsible to suggest otherwise. But the preemptive self-defense argument does not necessarily fit squarely with the situation in Iraq today.

Various press reports suggest that President Bush is considering plans for a new military campaign against Iraq sometime next year. If the President does plan to take such action next year, it is time for the administration to initiate meaningful consultations with Congress over the necessity and scope of this new military campaign.

Some analysts have also argued, unconvincingly to me, that consultation with Congress would be impossible because a preemptive strike against Iraq would require a high degree of stealth. But the administration has already spoken publicly of the need for regime change in Iraq, and unnamed officials have consistently leaked information to major news sources describing the scope of the proposed operation. Moreover, it is now widely assumed that the operation would require a robust ground assault, and that our military build-up in the region would be both deliberate and plainly obvious to any careful observer. So this would not be a purely stealth operation. There would be ample time for congressional consultation as we move forward with fairly obvious military preparations for such a large offensive.

The second argument is that sometimes advanced to support a future military operation in Iraq is that Public Law 102-1, authorizing the use of force in 1991 to respond to Iraq’s invasion of Kuwait, still provides ongoing congressional authorization for a major new strike against Iraq. Now, this is a more complex legal argument, but it fails on both legal and public policy grounds. To begin, the congressional authorization for Operation Desert Storm authorizes the President to use military force pursuant to United Nations Security Council Resolution 678. The clear intent of the Security Council in adopting Resolution 678 was to free Kuwait from Iraqi occupation, not to bring about regime change in Iraq. Moreover, United Nations Security Council Resolution 678 implemented a final cease-fire between Iraq, Kuwait and the United Nations Members that provided the basis for Operation Desert Storm. Although Iraq has clearly failed to comply with the terms of the cease-fire, that failure does not in itself provide automatic authority for the President to launch a significant new authorization campaign, with the entirely new objective of regime change in Baghdad.

My conclusion, then, is that absent a clear finding that Iraq participated in, aided or otherwise provided support for the attacks of September 11, the Constitution requires the President—it requires the President—to seek additional authorization before he can embark on a major new military undertaking in Iraq.

But it is clear that Iraq has not adequately complied with weapons of mass destruction resolutions adopted by the Security Council, and that the Iraqi leadership continues to commit gross human rights violations against its own people while encouraging terrorist attacks abroad, the consultation and debate over our response to an Iraqi threat may well convince a majority in Congress that the United States must take necessary steps, including military action, to limit Iraq’s capacity to produce weapons of mass destruction. My guess is that such a resolution would succeed, after a good Congressional debate. If that happens, the Constitution of Congress and the President, the President would act from a strong and constitutionally unified position in launching a new military campaign. Indeed, the Constitution and the American people must demand such a unified response. Why would I raise these issues today? Why are these war powers questions so
important? Why should following the letter of the War Powers Resolution be so important in the midst of this national crisis? I think it should because Congressman and the President have a chance to carry out their duties with regard to war and peace in the way the War Powers Resolution dictates, and also in the way the Framers of the Constitution intended.

That kind of cooperation preserves our constitutional structure. It also increases the moral authority of the President to act forcefully. Given the unprecedented nature of the threats confronting us, and the complex environment within which we must respond to those threats, a powerful and constitutionally unified response remains essential. We must also remember that constitutional unity presents both a stronger international image of the United States to our friends and foes, and, at the same time, a more comforting image of U.S. power to many of our close allies in the campaign against terrorism. When we best honor our Constitution and our laws as they relate to the powers of war and peace, we also best prepare our Nation to defend that Constitution and those laws. We owe our Nation no less.

I thank the Chair, and I yield the floor.

AMERICA'S COMMITMENT AGAINST BIOTERRORISM

Mr. FRIST. Madam President, our vulnerability to a bioterrorist attack was highlighted by the events that unfolded last October, when anthrax took the lives of innocent Americans and put thousands more in jeopardy. How we address our vulnerabilities and respond to bioterrorism will be radically improved as a result of new legislation signed by President Bush. The greatest tool that terrorists have in their arsenal is on America’s vulnerabilities and fears. This legislation makes great strides to significantly improve our ability to respond to bioterrorist threats. Yet it is critical that we provide the appropriate information so that families can prepare and protect themselves in the event of a potential attack. Information is power, and by better preparing ourselves, we can avoid being paralyzed by fear.

Many news organizations have already begun to do their part by providing the necessary information for communities to feel safe. Good Housekeeping, which is read by thousands of readers each month, is a good example. In its April edition, Good Housekeeping answered the questions readers often have about bioterrorism, gave suggestions families could use to protect and prepare themselves, and provided information on what Congress is doing to learn our vulnerability to bioterrorist attack. This week Good Housekeeping went a step further by providing a form readers could fill out urging Congress to act quickly to address bioterrorism. I was pleased that thousands of readers did respond with their views on this issue and the importance of passing legislation that would keep American families safe.

Last fall’s anthrax attacks changed the way America looked at bioterrorism. Overnight, the fear of bioterrorism moved from a remote possibility to a reality for which we must be prepared. The bioterrorism bill, which will soon be signed into law, will greatly improve our ability to respond to a biological threat, equipping communities with the tools they need to strengthen our local health centers and educate those first responders, the doctors, nurses and emergency personnel on the front lines. But information for the general public is also key to improving our readiness. I commend the many news organizations that have recognized this fact and continue to get Americans the information they need to feel safe and secure. The unique nature of terrorism requires all of us to work together. While the events of September 11 and the subsequent anthrax attacks have changed the world we live in, coming together to meet a common challenge remains the American way.

ADDITIONAL STATEMENTS

ESTONIA'S ROLE IN THE HOLOCAUST

• Mr. SMITH of Oregon. Mr. President, I ask that an article written by the U.S. Ambassador to Estonia, Joseph M. DeThomas, be printed in the RECORD. Ambassador DeThomas outlines important steps for the Estonian government to undertake to address Estonia’s role in the Holocaust.

The article follows.

PAST, PRESENT AND FUTURE

(By Ambassador Joseph M. DeThomas)

In every interview I have had with the press since I arrived in Tallinn, I have been asked in some form, “What has surprised you about Estonia?” I have always answered by noting that some aspect or another about Estonia was even more positive than I expected. Early May, however, I was surprised in a different way. A report in a Russian weekly claiming that Simon Wiesenthal advocated a boycott of the Baltic States and UNESCO produced a firestorm of comment from the press, political circles, and some members of the public. The comments were angry, defensive, and—with respect to my previous comments—sublime. The Wiesenthal Center has categorically denied that Mr. Wiesenthal ever even gave this interview. I did not intervene in this discussion, but I have learned a very useful Estonian proverb, “Think nine times, speak once.” I have used the intervening days since the story broke to think nine times about the past and what would be useful to do about it in the present. I would like to share my views.

First, let me make clear my own government’s position. The United States advocates it more for all of us to do to deal with the crimes of the past, and the Holocaust is a crime of unique proportions. A prominent political leader once remarked that “the United States is satisfied that Estonia has done all it needs to do to deal with the Holocaust. Just last month, however, Heather Conley, the Department of State’s senior official responsible for the Baltic States called on the Baltic States to do more to deal with the damage from the Holocaust. This is the case for the U.S. Senate. For example, recently, Senator Biden, the Chairman of the Senate Foreign Relations Committee, made a strong statement concerning the resurgence of anti-Semitism in Europe and all countries aspiring to NATO membership to ensure that “the very remnants of war and evil...be totally and permanently suppressed.”

Estonia’s World War II past was uniquely painful for those who suffered during the occupation. Estonia suffered terribly under two periods of occupation as a Soviet and German occupation. The fact that the Soviet occupation did more direct harm in Estonia, however, does not negate the fact that the Holocaust happened here too. As the conclusions of the Estonian International Commission for Investigation of Crimes Against Humanity demonstrated, some Estonians bear responsibility for participating in evil. I believe all countries that lived through this nightmare of the last century need to deal with their crimes honestly and completely so that they cannot be repeated in the future. We must face history, not hide from it. What does this mean with regard to Estonia’s approach to the Holocaust? I suggest the following very modest steps:

1. Do justice where justice is needed. Since the reindependence, no Estonian has been prosecuted for crimes committed during the Holocaust. In part, that may be because many were prosecuted during the Soviet period. But, there are still Estonian candidates for prosecution. These individuals purposed with the same vigor with which the state still pursues those suspected of Soviet crimes. And the time for this is now. The World War II generation is passing from the scene. Witnesses to the crimes are dying. Both the victims and the victimizers should see justice done before it is too late.

2. Recognize the Holocaust is part of Estonia’s history. Compared to the other Baltic States, the states of Central Europe and even some neutral states during World War II, the Holocaust is less recognized in the national history in Estonia. The Holocaust took place here. About one thousand Estonian Jews and even more non-Estonian Jews were murdered in this country. This day of remembrance for the Holocaust, Yom HaShoah, receives almost no notice in this country. Many sites involving Holocaust crimes here are not marked or remembered. A few sites have recently been commemorated. This should continue.

3. Teach our children about the past. I have been told Estonian school textbooks treat the Holocaust in about one-and-a-half pages. If this is true for most of Estonia, I would urge it to be more involved in the Task Force for International Cooperation on Holocaust Education, Remembrance and Research, to which 11 nations belong. The evil of racism and anti-Semitism does not grow again and again because the decent majority advocates it. The decent majority advocates it because it is ignored or trivialized by the majority until it reemerges in a new generation. Estonia has emerged from a desolate nadir, and the present needs to look to the work of its people. But, to ensure a positive future, I believe it essential that the
THING TO DIGITAL TELEVISION

- Mr. CLELAND. Mr. President, I rise today to direct my colleagues attention to the technological changes and developments going on in the television industry. Many people have said that the transition from analog to digital television is the biggest innovation in TV since color television. Having seen a digital broadcast, it is as if you are watching the program or sporting event in person. I believe consumers will want to bring this technology into their homes.

I do not believe that we have yet discovered the full use of digital broadcast signals, but I do know that it has the potential to change the way people interact with their TVs. Imagine being able to participate in real-time with a game show on television or being able to "chat" with other viewers from around the country during a show. DTV may provide the platform for a more interactive form of television entertainment. I am particularly interested to see how these technologies can be employed to allow local stations to better serve local communities. For the past half-century, local broadcasters have provided valuable services to their local communities. When disasters strike, important, life saving information is often disseminated over the airwaves. Local stations also keep residents informed of community political issues, thereby engaging citizens in the local democratic process.

Since its inception, the broadcasting industry has been founded on two important concepts: the idea of localism and the idea that broadcasting should be free, and over-the-air. I am proud to say that a number of Georgia stations are working to ensure that they continue to serve local communities with free, over the air signals in the digital era.

In my state, we have digital television stations up and broadcasting in four communities. In Atlanta seven stations have digital signals on the air: WAGA, WATL, WQCL, WPXA, WSB, WTBS, and WXIA. In Savannah WOTC is on the air in digital; in Augusta WPXG and WRDW-TV are broadcasting in digital, and in Columbus, WLTZ and WXTX are serving Georgia viewers with digital television. These Georgia broadcasters have taken the next step in television, and for that I commend them. The transition to digital can be expensive, particularly for smaller stations.

To broadcast in digital, these businesses have invested in new transmission equipment and, in some cases, new broadcast towers. If they choose to provide their own digital content, like digital local news, they must invest in digital cameras and editing equipment. Finally, once their digital signal is on-the-air, the stations must pay the bills to transmit two signals simultaneously to ensure viewers can receive both a digital and analog broadcast.

Despite the expenses, these Georgia stations have recognized that digital television is the future. I am confident that their investment in digital television will pay off and I commend them for leading the digital television charge.

TRIBUTE TO THE CARDINAL CHAPTER OF THE AMERICAN RED CROSS

- Mr. BUNNING. Mr. President, today I thank and honor the Cardinal Chapter of the American Red Cross of Henderson, Kentucky for the selfless and tireless work they performed in aiding the victims of the April 28th tornado which tore through Webster County, Kentucky.

Early Sunday on the morning of April 28th, an F3 classified tornado, with winds up to 200 miles per hour, violently forced its way through Providence, KY hitting at least 114 homes, completely destroying 32. In the end, 28 people were taken to the hospital. In just a few moments, Mother Nature had struck a blow against this normally quiet and peaceful town. People were left without homes and without adequate clothing and food supplies.

They were also left without a sense of hope. However, this empty and lonely feeling would be short-lived. Volunteers from the Cardinal Chapter of the American Red Cross of Henderson, KY arrived on the scene just a few hours after the tornado passed through Providence.

Once on the scene, these volunteers wasted no time in setting up two shelters in Providence, providing victims with a roof, a hot meal, and a shoulder to cry on. They also sent food trucks to the nearly town of Irwinson once they found out its residents were still without electricity hours after the storm had passed. Without the immediate assistance of the American Red Cross, many would have been left hungry without a home or clothing.

I ask that my fellow colleagues join me in thanking these men and women for their unwavering dedication and commitment to their fellow citizens. They willingly gave up their time and left their families in order to be there physically for people they have never met before. I believe we all can learn something from their exemplary behavior. Sometimes it takes the worst to bring out the best, and I think this was the case on April 28th.

HONORING SOUTH CAROLINA’S DEBORAH CHAMBERS

- Mr. HOLLINGS. Mr. President, I want to pay tribute to an outstanding resident of South Carolina, Deborah A. Chambers. Ms. Chambers will soon complete her year as national president of the American Association of Nurse Anesthetists, AANA. I am pleased one of our state’s own was tapped as the 2001–2002 president of this prestigious organization.

The AANA represents 28,000 practicing Certified Registered Nurse Anesthetists. They administer more than 65 percent of the anesthetics given to patients each year in the United States. They provide anesthesia for all types of surgical cases and are the sole anesthesiology provider in over two-thirds of rural hospitals.

Debbie has been a nurse anesthetist since 1981. She received both her anesthesia training and master’s degree at the University of South Carolina in Charleston. She has been a solo practitioner since 1993 at the Microsurgery Center in Anderson, as well as in both the Greenville Memorial Medical Center and the Saint Francis Bon Secours Hospital System in Greenville. She also was the Clinical Coordinator at the Medical University of South Carolina School of Nurse Anesthesia at Greenville Memorial Medical Center from 1988–2000. Even with her demanding schedule, she has contributed to the advancement of the anesthesia profession through her membership on many national advisory panels to advance the practice of anesthesia.

Debbie has held various leadership positions in the AANA, and has used her experience and knowledge to help others. I ask my colleagues to join me in saluting Deborah Chambers.

TRIBUTE TO THE THIRD RECONNAISSANCE BATTALION

- Mr. LIEBERMAN. Madam President, I rise today in recognition of the dauntless history, honor, and tradition of the 3rd Reconnaissance Battalion, U.S. Marines. Its lineage traces back nearly 60 years of valiant service to our great Nation.

The contribution of the 3rd Reconnaissance Battalion is embodied in the citation to the Unit for its actions on Okinawa in April 1945: "We Lead the Division—Where the Division Goes We’ve Been!"

While enjoying brief periods of respite, it was formed in September 1942. It was sent immediately to the Pacific Theater and participated in World War II campaigns at Bougainville, Solomon Island, Guam, and Iwo Jima. It was reactivated in March 1952 and deployed to Camp Gifu, Japan and later to Camp Hama, Okinawa. It was deactivated again in April 1958, it was assigned to the 3rd Marine Division, Fleet Marine Force. During Vietnam the unit was highly decorated with four Medals of Honor, 13 Navy Crosses, 86 Silver Stars, and many Purple Hearts awarded to Marines and Sailors. Additionally, the unit itself was awarded President Unit Citations, the Navy Unit Commendation, the Meritorious Unit Commendation, and earned other praise and recognition, as well.

While the 3rd Reconnaissance Battalion has existed under different designations, its adherence to whatever
mission assigned is without question. We cannot take lightly their meritorious service to our Nation. Nor, can we ever forget their admirable and routinely valiant actions both individually and collectively. They were not only pivotal to a successful combat effort, but to maintaining and forwarding the legacy for which the 3rd Reconnaissance Battalion may be justifiably proud.

I join in expressing the respect, admiration, and heartfelt appreciation of our nation and the members of the 3rd Reconnaissance Battalion Association gather for their reunion next month in Arlington, VA.

FDA CONSOLIDATION AT WHITE OAK

- Ms. MIKULSKI. Mr. President, I rise today to urge my colleagues to continue to work for full funding of the Food and Drug Administration (FDA) consolidation and improvement at White Oak, MD in fiscal year 2003. I strongly believe that ensuring the safety of America’s food and drug supply is a matter of national security. Yesterday, and I offer here, I voted to withdraw an amendment that we hoped would have provided the funding needed for this project which is vital to ensure the safety of America’s food and drug supply. We are told that the new amendment would have increased the cost of the consolidation and improvement bill. However, we have been assured that Senators DORGAN and CAMPBELL, the chair and ranking members of the Treasury General Government Appropriations Subcommittee, are committed to looking at trying to help to continue to find a way to fund the FDA consolidation at White Oak as a part of the fiscal year 2003 appropriations process.

Why is completing this project vital? FDA’s mission is to review and regulate more than $1 trillion worth of products, many of which are vital to human health. FDA cannot fulfill its mission because FDA has to work in obsolete facilities that are not equipped to handle today’s advanced laboratory and administrative functions. Currently, over 6,000 FDA employees are scattered among 40 different buildings at 20 different locations in the Greater Washington, D.C. area. These facilities are being consolidated into one integrated facility at the former U.S. Naval Surface Weapons Center. Not only will the consolidation greatly improve FDA’s operating efficiencies, but timely construction of the new facility will also save approximately $32 million per year in special lease costs. We need to consolidate FDA on one campus, just like the NIH and the CDC, in order for the FDA to take its place alongside these institutions as a world class health and food research and safety facility. What is FDA’s role in national security? The recent anthrax attacks on U.S. citizens have heightened FDA’s critical role in ensuring the safety of our food and drug supplies. Indeed, the FDA is on the front lines of this effort and must have proper, modern facilities to enable them to best perform their mission. The consolidation will provide state-of-the-art laboratories and environmental controls, and FDA has already appropriated $486 million for the first phases of this vital project, fiscal year 2003, $35 million; fiscal year 2001, $92.1 million; and fiscal year 1999, $16 million. While the consolidation has started on phase I, the laboratory for FDA’s Center for Drug Evaluation and Research. However, approximately $450 million is still needed to complete this vital project.

Why is full funding important? This project has already been delayed due to funding cutbacks. If the General Services Administration’s fiscal year 2003 construction request for FDA consolidations is not fully funded, completion of the consolidation will be delayed even further. These delays will add considerably to the overall cost of the project due to inflation and other factors. For example, scheduled to be constructed in phase III is the Center for Devices and Radiological Health, known as the CDRH. The CDRH laboratories are badly in need of improvements, but FDA has been holding off such work in anticipation of building new laboratories as part of the consolidation. Further delay will add significantly to the overall cost, necessitating FDA’s spending several million dollars renovating the existing CDRH laboratories. These would be non-recoverable costs.

What is the next step? We hope that your colleagues will agree that, from the perspectives of public safety and fiscal responsibility, we can not afford to delay the timely completion of this project. We hope that our colleagues will support full funding for FDA consolidation in fiscal year 2003. I look forward to continuing to work with my colleagues, Senators HATCH, DORGAN, and CAMPBELL toward completing this project which will provide better security of two of the most essential daily needs of all Americans, our food and drugs.

TRIBUTE TO JIM MAYER

- Mr. CLELAND. Mr. President, today I pay tribute to a man whose leadership and service has epitomized the term “public servant.” He is a selfless individual who has always thought of his country before thinking about himself. In this day and age, few people live that type of life, but, as President Theodore Roosevelt said, “The test of our worth is the value of our service.”

I would like to thank Jim for his service, his dedication, and, above all else, for his friendship. He is a inspiration and a great American.

CHAPLAIN TONY FIRMAN RETIRES FROM FLANDREAU INDIAN SCHOOL

- Mr. JOHNSON. Mr. President, I rise today to recognize and honor Chaplain Tony Firman on the occasion of his retirement as Chaplain at the Flandreau Indian School in Flandreau, SD. Chaplain Firman has completed 35 years as Chaplain at Flandreau Indian School. After serving at Blue Cloud Abbey in Marvin, South Dakota, Tony served at Flandreau Indian School as Student Coordinator of Religious Activities, a boys counselor, and as a religious liaison between the students, staff and administration, area churches and the Flandreau community.

He was selected as Flandreau Indian School Chaplain by representatives from the Association of Christian Churches, which is made up of representatives from the following denominations: United Presbyterian Church, United Church of Christ, United Methodist Church, Lutheran...
Church in America, Episcopal Church, Catholic Church, Rapid City and Sioux Falls Dioceses, Reformed Church in America, and Christian Church Disciples. The Flandreau Chaplaincy program was the first project to be sponsored by the Association of Christian Churches.

On the occasion of his retirement as a school Chaplain, I want to congratulate Tony Firman for his tireless dedication to Flandreau Indian School, his commitment to finding the best in students, his ability to help others with spiritual guidance, and for coordinating and supporting religious activities. I also commend him for his valuable service to the community over the years.

The lives of countless young people have been enormously enhanced by Tony’s talent and skill as Chaplain. The State of South Dakota is a better place because of his commitment to and passion for working with local youth. His achievements will certainly serve as a model for other talented religious leaders throughout our State to emulate.

I wish Tony Firman the best on his retirement.

HONORING THE LADY GAMECOCKS FOR WINNING THE NCAA TRACK TITLE

Mr. HOLLINGS. Madam President, my colleagues, who have heard the debate fast track trade negotiating authority in the last month may be surprised with what this senator from South Carolina is about to say. But I rise today wishing to scream my lungs out in favor of fast track that is the fast track of the University of South Carolina women’s track and field team, who just won the NCAA title earlier this month. It only goes to show you that fast track is alive and well in my state, so long as it’s the right fast track.

I have followed Gamecock sports for more than seven decades. This day is particularly pleasing in that, as hard as this is to believe, it is the first time South Carolina was won a national championship ever, in any sport, women’s or men’s.

I wish to congratulate the entire team of incredible athletes who worked hard all year to prepare for this. They won relays. They won individually. They set new records, piling up points all year to prepare for this. They have champions across the board, in academics and athletics, and I salute all University of South Carolina athletes who have improved their academic performance.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar.

S. 2601. A bill to amend the Endangered Species Act of 1973 to require the Federal Government to assume all costs relating to the protection of the common marmot, the only species of the genus Marmota found in the United States.

S. 2602. A bill to amend the Endangered Species Act of 1973 to require the Secretary of the Interior to establish a trade adjustment assistance program for certain service workers, and for other purposes; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time, and referred, as indicated:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

By Mr. ENZI:
S. 2604. A bill to amend the Endangered Species Act of 1973 to require the Federal Government to assume all costs relating to the implementation of and compliance with that Act; to the Committee on Environment and Public Works.

By Mr. DASCHLE (for Mr. HARKIN (for himself and Mr. GRAHAM)):
S. 2605. A bill to amend title XVIII of the Social Security Act to provide for the Medicare benefits of the Armed Forces who participated in operations in Korea after the end of the Korean War.

By Mr. SPECTER (for himself and Mr. SANTORUM):
S. Con. Res. 120. A concurrent resolution commending the Pennsylvania National Guard for its exemplary service to the United States in the war against terrorism and other recent documents; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

At the request of Mr. NICKLES, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 237, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

At the request of Mr. EDWARDS, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 298, a bill to provide for fire sprinkler systems, or other fire suppression or prevention technologies, in public and private college and university housing and dormitories, including fraternity and sorority housing and dormitories.

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 701, a bill to amend the Internal Revenue Code of 1986 to provide special rules for the charitable deduction for conservation contributions of land by eligible farmers and ranchers, and for other purposes.

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

At the request of Mr. BINGAMAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 999, 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.

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1115, a bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

At the request of Mr. WELLSTONE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1483, a bill to amend Family Violence Prevention and Services Act to
reduce the impact of domestic violence, sexual assault, and stalking on the lives of youth and children and provide appropriate services for children and youth experiencing or exposed to domestic violence, sexual assault, or stalking.

S. 1648

At the request of Mrs. Feinstein, the name of the Senator from Nevada (Mr. Reid) was added as a cosponsor of S. 1523, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 1681

At the request of Mrs. Lincoln, the name of the Senator from Arkansas (Mr. Hutchinson) was added as a cosponsor of S. 1681, a bill to amend title 38, United States Code, to provide an increase in the maximum annual rates of pension payable to surviving spouses of veterans of a period of war, and for other purposes.

S. 2005

At the request of Mr. Reid, the name of the Senator from Georgia (Mr. Cleland) was added as a cosponsor of S. 1684, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

S. 2005

At the request of Mr. Lugar, the name of the Senator from Hawaii (Mr. Inouye) was added as a cosponsor of S. 2005, a bill to authorize the negotiation of free trade agreement with the Republic of the Philippines, and to provide for expedited congressional consideration of such an agreement.

S. 1018

At the request of Ms. Stabenow, the name of the Senator from Louisiana (Ms. Landrieu) was added as a cosponsor of S. 2108, a bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes.

S. 2135

At the request of Mr. Baucus, the name of the Senator from Louisiana (Ms. Landrieu) was added as a cosponsor 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. 2120

At the request of Mrs. Murray, her name was added as a cosponsor of S. 2210, a bill to amend the International Financial Institutions Act to provide for modification of the Enhanced Heavily Indebted Poor Countries (HIPC) Initiative.

S. 2221

At the request of Mr. Rockefeller, the name of the Senator from New York (Mrs. Clinton) was added as a cosponsor of S. 2221, a bill to temporarily increase the Federal medical assistance percentage for the Medicaid program.

S. 2428

At the request of Mr. Kerry, the name of the Senator from New York (Mr. Schumer) was added as a cosponsor of S. 2428, a bill to amend the National Sea Grant College Program Act.

S. 2538

At the request of Mrs. Hutchison, the name of the Senator from Alabama (Mr. Sessions) was added as a cosponsor of S. 2538, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 2554

At the request of Mr. Smith of New Hampshire, the names of the Senator from Wyoming (Mr. Enzi), the Senator from Alabama (Mr. Sessions), and the Senator from Wyoming (Mr. Thomas) 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. 2591

At the request of Mr. Reid, the name of the Senator from Tennessee (Mr. Frist) was added as a cosponsor of S. 2591, a bill to reauthorize the Mammography Quality Standards Act, and for other purposes.

S. J. Res. 37

At the request of Mr. Wellstone, the name of the Senator from New York (Mr. Schumer) was added as a cosponsor of S. J. Res. 37, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to modification of the medicaid upper payment limit for non-State government owned or operated hospitals published in the Federal Register on January 18, 2002, and submitted to the Senate on March 15, 2002.

S. Res. 267

At the request of Mr. Kerry, the name of the Senator from Michigan (Mr. Levin) was added as a cosponsor of S. Res. 267, a resolution expressing the sense of the Senate regarding the policy of the United States at the 54th Annual Meeting of the International Whaling Commission.

S. Res. 272

At the request of Mr. Corzine, his name was added as a cosponsor of S. Res. 272, a resolution expressing the sense of the Senate regarding the success of the Varela Project's collection of 10,000 certified signatures in support of a national referendum and the delivery of these signatures to the Cuban National Assembly.

S. Con. Res. 110

At the request of Mrs. Feinstein, the names of the Senator from Alabama (Mr. Sessions) and the Senator from Vermont (Mr. Jeffords) were added as cosponsors of S. Con. Res. 110, a concurrent resolution honoring the heroism and courage displayed by airline flight attendants on a daily basis.

S. Amendment No. 3569

At the request of Mr. Graham, the name of the Senator from Connecticut (Mr. Lieberman) was added as a cosponsor of amendment No. 3569 proposed to H.R. 4775, a bill making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Daschle (for Mr. Harkin (for himself and Mr. Craig):

S. 2605. A bill to amend title XVIII of the Social Security Act to geographically adjust the amount of the Medicare part B premium based on the use of health care items and services in the State in which the Medicare beneficiary resides, and for purposes; to the Committee on Finance.

(At the request of Mr. Daschle, the following statement was ordered to be printed in the RECORD.)

• Mr. Harkin. Madam President, there few programs that are more important to the health and quality of life of Americans than Medicare. It has been a godsend for millions of Americans. It deserves our strong support. We need to make sure that Medicare is strong, secure and improved for the future.

The biggest gap in Medicare’s coverage is it’s lack of help with the high costs of prescription drugs. I feel strongly that we must move forward to provide seniors with an affordable, reliable Medicare prescription drug benefit this year. I call on our leadership to bring legislation to the floor so that we can provide seniors with much needed relief.

Another area that is in urgent need of improvement is the fairness of the distribution of Medicare’s payments and costs throughout the states. The Medicare program is placing seniors and health care providers in certain States at a severe disadvantage compared to other States. There are currently unjustifiable inequities in the system that affect the way in which both seniors and health care professionals are treated. Rather than rewarding States with healthy populations, that have efficient, high quality health care practices, and practices health care cost containment, the Medicare system is punishing these States.

For example, seniors enrolled in the Medicare program pay monthly part B
June 10, 2002

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S5287

premiers of $54 across the United States. Medicare part B premiums are set by law to cover 25 percent of total national Part B spending regardless of where one lives or how many services one uses. However, data provided by the Medicare Payment Advisory Commission (MedPAC) shows that the amount of part B services seniors use state by state varies significantly, from 70 percent of the national average to 128 percent of the national average. This means that States like Idaho, which have better health care infrastructure and fewer health care services and we have excellent health care providers who have always practiced efficient, conservative medicine, I believe that a health population, and an efficient health care system, should be rewarded under the Medicare program; however the system has been established to achieve quite the opposite.

Not only do seniors in my State have higher Medicare part B premiums because of the number of services seniors receive in other states, health care providers in my State are receiving the lowest reimbursement levels in the country. Iowa health care providers receive $3,053 on average per beneficiary; the higher number of services received by employees in the national average is $5,490, and the highest state receives over $7,000 per beneficiary. Senator Craig and I, along with a host of our colleagues, have introduced a bipartisan bill called the Medicare Fairness Act. This legislation would reduce this unjustified disparity that serves to punish the health care providers in our states year after year. Under the FAIR Act, no state would be under 95 percent of the national average, and no state would be over 105 percent of the national average. A similar adjustment would be made for the part B geographic payment indices.

We must work to alleviate the disparity that exists between states under the system, before we drive the states into a crisis. We can no longer ignore the direct and critical connection between provider reimbursement under the Medicare program, and access to high quality health care for our seniors.

That is why today I am pleased to be joined by my colleague Senator Craig of Idaho in introducing legislation to increase fairness in Medicare part B premiums for seniors. Monthly Medicare part B premiums will be set at 95 percent of projected total national Medicare Part B costs for each state, rather than nationally. For example, Minnesota seniors utilize the least amount of part B services, 70 percent of the national average. As a result, under our bill seniors in Minnesota would pay a monthly premium of $38, instead of the current national premium of $54. Seniors in my home State of Iowa use 75 percent of the national average of part B services, and therefore, under this bill they would pay a monthly premium of $41, rather than $54.

Our legislation is budget neutral. It would simply set Medicare premiums based on state level costs rather than an aggregated national cost figure. It is common sense. If a person in Iowa goes out and buys car insurance, or health insurance for themselves, they will pay different premiums than someone buying insurance in New York City, Chicago, Los Angeles, or Denver. This is because the Medicare program to stop punishing those States that have healthy seniors and efficient health care providers.

We need to restore greater fairness in Medicare's payment among the 50 States. Our legislation will achieve greater equity, seniors in low cost States should not have to bear an unfair portion of health care costs. Senator Craig and I will be working to get this issue addressed as a part of Medicare reforms this year. I urge my colleagues to review this important new proposal and to join us in working to achieve its passage.

By Mrs. BOXER:

S. 2606. A bill to require the Secretary of Labor to establish a trade adjustment assistance program for certain service workers, and for other purposes; to the Committee on Finance.

Mrs. BOXER. Madam President, to Congress within 2 years on adversely affected service workers and recommend legislation that the Secretary considers appropriate for extending TAA to service workers as well.

TAA programs are often inadequate as long as any workers are losing jobs directly as a result of trade agreements and not getting the help they need to participate in the new economy. The trade debate has not adequately considered the fate of those who lose their jobs as a result of trade. It is our responsibility to make sure that these hard-working Americans have a voice in this debate and that they and their families are able to reap the rewards of trade instead of just suffer its consequences.

The 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. 2606

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

SECTION 1. TRADE ADJUSTMENT ASSISTANCE.

Not later than 180 days after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Secretary shall establish a program to provide assistance under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) as amended by the Trade Adjustment Assistance Reform Act of 2002, to provide trade adjustment assistance to any domestic operator of a motor carrier who is adversely affected from trade, and to TAA to service workers as well.

SEC. 2. DATA COLLECTION AND REPORT.

(a) DATA COLLECTION SYSTEM.—Not later than 180 days after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Secretary shall establish a program to provide assistance under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) as amended by the Trade Adjustment Assistance Reform Act of 2002, to provide trade adjustment assistance to any domestic operator of a motor carrier who is adversely affected from trade, and to TAA to service workers as well.

(b) REPORT.—Not later than 2 years after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Secretary shall report to Congress proposed measures to extend the provisions of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) to adversely affected service workers. The report shall include any recommendations that the Secretary considers appropriate regarding such programs.
SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Labor.

(2) TRADE ADJUSTMENT ASSISTANCE REFORM ACT OF 2002.—The term ‘‘Trade Adjustment Assistance Reform Act of 2002’’ means the Trade Adjustment Assistance Reform Act of 2002, or any other Act enacted during the second session of the 107th Congress to provide trade adjustment assistance.

SUBMITTED RESOLUTIONS


Mr. FEINGOLD submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 282

Resolved, That—

(1) it is the sense of the Senate that approval of the United States Senate is required to terminate any treaty between the United States and another nation;

(2) the Senate shall determine the manner by which it grants its approval to such proposed termination; and

(3) the Senate does not approve the withdrawal of the United States from the 1972 Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems (ABM Treaty), signed in Moscow on May 26, 1972 (EX. L. 92–2).

SENATE CONCURRENT RESOLUTION 120—COMMENDING THE PENNSYLVANIA NATIONAL GUARD FOR ITS EXEMPLARY SERVICE IN THE UNITED STATES IN THE WAR AGAINST TERRORISM AND OTHER RECENT DOCUMENTS

Mr. SPECTER (for himself and Mr. SANTORUM) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 120

Whereas the Pennsylvania National Guard, the largest Army National Guard in the United States and fourth largest Air National Guard in the United States, has experienced significant growth and development and increased deployment rates at levels unseen since the Korean War and has provided historic levels of volunteers to critical missions of national importance;

Whereas individuals and units of the Pennsylvania National Guard have been deployed outside of Pennsylvania to serve along the northern border of the United States, in rescue and support operations immediately after the terrorist attacks of September 11, 2001, and with NORAD air controller components in New York providing critical assistance to combat air patrols over the United States in Operation Noble Eagle/Enduring Freedom;

Whereas the 193rd Special Operations Wing, under command of Brigadier General Steve Speer, which is the most deployed active or reserve Air Force or Air National Guard unit in the United States, deployed to central Asia in 2001 to provide one-of-a-kind psychological warfare resources to Allied commanders in Operation Noble Eagle/Enduring Freedom, with 900 members of that unit serving the cause of freedom and liberty valiantly;

Whereas the 111th Fighter Wing, under the command of Colonel Stephen Skisch, has participated extensively in Operation Noble Eagle/Enduring Freedom, while also serving in Operation Southern Watch, flying 682 hours during 318 sorties enforcing the no-fly zone over Iraq;

Whereas the 171st Air Refueling Wing, under the command of Brigadier General William Boardly, has flown 242 sorties in support of Operation Noble Eagle/Enduring Freedom;

Whereas the 140th Weather Flight, 270th Engineering Installation Squadron, the 146th Weather Flight, the 112th Air Control Squadron, the 201st RED HORSE Flight, the 211th Engineering Installation Squadron, the 258th Air Traffic Control Squadron, and the 271st Combat Communications Squadron have also participated in Operation Noble Eagle/Enduring Freedom;

Whereas the 28th Infantry Division of the Pennsylvania Army Guard, under the command of Major General Walt Pudlowski, has provided units and soldiers recently to operations in central Europe as part of KFOR and SFOR Balkans stabilization efforts and central Asia in the war on terrorism;

Whereas soldiers and units of the 28th Infantry Division and the 193rd Special Operations Wing, under command of Brigadier General John von Trott, will become the lead headquarters element of SFOR based at Eagle Base Tuzla, Bosnia, with approximately 2,000 soldiers of the Pennsylvania Army National Guard deploying as peacekeepers for six months; and

Whereas approximately 2,000 soldiers of the Pennsylvania Army National Guard, including soldiers from the 28th Infantry Division of Brigadier General Wesley Craig, have begun preparing for future tasks as one of the first active or Guard units to transform into an Interim Brigade Combat Team, part of the Army’s future objective force;

Whereas elements of the 28th Infantry Division, under the command of Brigadier General John von Trott, will become the lead headquarters element of SFOR based at Eagle Base Tuzla, Bosnia, with approximately 1,100 soldiers of the Pennsylvania Army National Guard deploying as peacekeepers for six months; and

Whereas approximately 2,000 soldiers of the Pennsylvania Army National Guard, including soldiers from the 28th Infantry Division of Brigadier General Wesley Craig, have begun preparing for future tasks as one of the first active or Guard units to transform into an Interim Brigade Combat Team, part of the Army’s future objective force;

Whereas the Pennsylvania National Guard has recently performed laudably in various overseas deployments to central Asia, Europe, Latin America, and other locations;

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Whereas the Pennsylvania National Guard has recently performed laudably in various overseas deployments to central Asia, Europe, Latin America, and other locations;

TEXT OF AMENDMENTS

SA 3808. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States in the war against terrorism and other recent deployments.

AMENDMENTS SUBMITTED AND PROPOSED
him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 8, after “orientation,” insert “age.”

On page 3, line 24, after “orientation,” insert “age.”

On page 10, line 25, after “orientation,” insert “age.”

On page 11, line 9, after “orientation,” insert “age.”

SA 3809. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, line 9, after “orientation,” insert “pregnancy.”

SA 3810. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. DEFENSE OF HOME ACT.

(a) Right To Keep A Firearm In One’s Home.—Notwithstanding any other provisions of law, a person may not be held criminally liable for the possession of a firearm, or ammunition for such firearm, or for the manner in which such firearm was stored in the person’s place of residence if each of the following are established by a preponderance of the evidence:

(1) The person has attained the age of 18 years of age, has not been convicted of a felony, and is not otherwise prohibited by 18 U.S.C. 922(g)(2) from possessing a firearm; and

(2) The possession occurred:

(A) in place in which the person has resided for 30 days or more; or

(B) Right To Defend One’s Home.—Notwithstanding any other provision of law, a person shall have the right to use a firearm in defense of the person’s home to prevent the commission of a felony by another or to prevent a reasonably perceived threat of serious bodily injury to an individual in the person’s household.

(c) Enforcement of Rights.—A person shall be immune from prosecution in any state court or court of the United States for violation of any law relating to possession, use, transfer, receipt or transportation of a firearm, if it is established by a preponderance of the evidence that:

(1) The person’s use, possession, transfer, or receipt of the firearm was in connection with an otherwise lawful act of self defense; and

(d) The person’s conduct complied with the requirements of this section.

(d) Definitions.—For purposes of this section, the term firearm means a shotgun (as defined in 18 U.S.C. 921(a)(7)), a rifle (as defined in 18 U.S.C. 921(a)(29)),

SA 3811. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 25, after “period, insert the following: ‘‘, as does the incidence of sexual abuse of minors on the basis of their youth’’.

At the appropriate place, insert the following:

SEC. 2. DISCLOSURE BY EMPLOYER OF SUSPECTED SEXUAL ABUSER.

(a) In general.—S 2260A of title 18, United States Code, is amended by adding at the end the following:

`(s) 2260A. Disclosure by employer of suspected sexual abuser’’

(b) Requirement.—(i) Any person who has reasonable cause to suspect or know that they are employing, or otherwise exercising any supervisory role over, a suspected sexual abuser, shall immediately disclose that cause of suspicion or knowledge to Federal or State law enforcement officials.

(ii) Any person who exercises a supervisory role over a suspected sexual abuser who is in contact or other contact with such suspected sexual abuser from duties that place such suspected sexual abuser in contact with such minor, with knowledge, whether actual or constructive, of any genital contact or other sexually explicit conduct, or any simulation of such conduct, rape, statutory rape, molestation, prostitution, or other form of sexual exploitation.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 110 of title 18, United States Code, is amended by adding at the end the following:

‘‘2290A. Disclosure by employer of suspected sexual abuser.’’

SEC. 3. REPORT.

Not later than 6 months after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Labor, shall report to Congress on the affect of the amendments made to this Act with respect to disclosure by employers of suspected sexual abusers.

SA 3812. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 4. DEFENSE AUTHORIZATION.

(a) The provisions of S. 351A of the 107th Congress as reported by the Committee on Armed Services of the Senate on May 15, 2002, are hereby enacted into law.

(b) In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title I, United States Code, the Archivist of the United States shall include after the date of approval at the end appendixes setting forth the texts of the bills referred to in subsection (a) and the text of any other bill enacted into law by reference by reason of the enactment of this Act.
United States have a significant effect on the amount, distribution, and use of Federal funds because of—

(A) the large number of individuals who receive health care benefits under programs for which Federal Government funds shall be reduced first.

(B) the large number of individuals who benefit from the exclusion from Federal income taxes of the amounts spent to provide them with health insurance benefits; and

(C) the large number of health care providers who are immune from direct compensation for, health care liability by reason of the escalation of health care costs; the decreased availability of services; and effective health care liability reforms designed to—

1. Improve the availability of health care services in cases in which health care liability actions have been shown to be a factor in the decreased availability of services;

2. Reduce the incidence of "defensive medicine" and lower the cost of health care liability insurance, all of which contribute to the escalation of health care costs;

3. Persons with meritorious health care injury claims receive fair and adequate compensation, including reasonable noneconomic damages;

4. The fairness and cost-effectiveness of our current health care liability system to resolve disputes over, and provide compensation for, health care liability by reducing the amount of compensation provided to injured individuals; and

5. Provide an increased sharing of information in the system which will reduce unintended injury and improve patient care.

SEC. 02. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.

A health care lawsuit may be commenced no later than 3 years after the date of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, which ever occurs first. In no event shall the time for commencement of a health care lawsuit exceed 3 years, except that in the case of an alleged injury sustained by a minor before the age of 6, a health care lawsuit may be commenced no later than 3 years after the later of 3 years from the date of injury, or the date on which the minor attains the age of 8.

SEC. 03. COMPENSATING PATIENT INJURY.

(a) UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.—In any health care lawsuit, the full amount of a claimant's economic loss may be fully recovered without limitation.

(b) ADDITIONAL NONECONOMIC DAMAGES.—In any health care lawsuit, the amount of non-economic damages recovered may be as much as $250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence.

(c) NO DISCOUNT OF AWARD FOR NON-ECONOMIC DAMAGES.—In any health care lawsuit, an award for noneconomic damages shall not be discounted to present value. The jury shall not be informed about the maximum award for noneconomic damages. An award in excess of $250,000 shall be reduced either before the entry of judgment, or by amendment of the judgment after entry of judgment, and such reduction shall be made before accounting for any other reduction in damages required by law. If separate awards are rendered for past and future noneconomic damages, the aggregate award in excess of $250,000, the future noneconomic damages shall be reduced first.

(d) FAIR SHARE RULE.—In any health care lawsuit, each party shall be liable for that party's several share of any damages only and not for the share of any other person. In a health care lawsuit involving such damage to property, the amount of damages allocated to such party in direct proportion to such party's percentage of responsibility. A separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each claimant's harm.

SEC. 04. MAXIMIZING PATIENT RECOVERY.

(a) COURT SUPERVISION OF SHARE OF DAMAGES ACTUALLY PAID TO CLAIMANTS.—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants. In particular, in any health care lawsuit, in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant's damage recovery to such attorney, and to direct such damages to the claimant based on the principles of justice and principles of equity. In no event shall the total of all contingent fees for representing all claimants in a health care lawsuit exceed the following:

(1) 40 percent of the first $50,000 recovered by the claimant(s).

(2) 35 percent of the next $50,000 recovered by the claimant(s).

(3) 30 percent of the next $50,000 recovered by the claimant(s).

(4) 15 percent of any amount by which the recovery by the claimant(s) is in excess of $600,000.

(b) APPLICABILITY.—The limitations in this section shall apply whether the recovery is from a judgment rendered through mediation or arbitration, or any other form of alternative dispute resolution. In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section.

SEC. 05. ADDITIONAL HEALTH BENEFITS.

In any health care lawsuit, any party may introduce evidence of collateral source benefits. If a party elects to introduce such evidence, any opposing party may introduce evidence of a collateral source benefit or reasonably likely to be paid or contributed in the future by or on behalf of the opposing party to secure the right to such collateral source benefits shall recover any amount against the claimant or receive any lien or credit against the claimant's recovery or be equitably or legally subrogated to the right of the claimant in a health care lawsuit. This section shall apply to any health care lawsuit that is settled as well as health care lawsuits that is resolved by a fact finder.

SEC. 06. PUNITIVE DAMAGES.

(a) IN GENERAL.—Punitive damages may, if otherwise permitted by applicable State or Federal law, be awarded against any person in a health care lawsuit only if it is proven by clear and convincing evidence that such person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer. In any health care lawsuit where no judgment for compensatory damages is rendered against such person, no punitive damages may be awarded with respect to that lawsuit. No demand for punitive damages shall be included in a health care lawsuit as initially filed. A court may allow a claimant to file an amended pleading for punitive damages only upon a motion by the claimant and after a finding by the court, upon review of summary judgment and a hearing, after weighing the evidence, that the claimant has established by a substantial probability that the claimant will prove at trial that the defendant acted with the requisite intent or that the defendant is substantially certain to suffer. In any health care lawsuit, the trier of fact shall consider only the following:

(1) The severity of the harm caused by the conduct complained of by the claimant.

(2) The duration of the conduct or any concealment of it by such party.

(3) The profitability of the conduct to such party.

(4) The number of products sold or medical procedures rendered for compensation, as the case may be, by such party, of the kind causing the harm complained of by the claimant.

(5) Any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(6) The amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(b) MAXIMUM AWARD.—The amount of punitive damages awarded in a health care lawsuit may be up to as much as two times the amount of economic damages awarded or $250,000, whichever is greater. The jury shall not be informed of this limitation.

(c) NO CIVIL MONETARY PENALTIES FOR PRODUCTS THAT COMPLY WITH FDA STANDARDS.—In any health care lawsuit involving such drug or device (including blood products) approved by the Food and Drug Administration with respect to the safety of the product or with respect to the aspects of such medical product which caused the claimant's harm or the adequacy of the packaging or labeling of such medical product; and

(d) such medical product was so approved or cleared; or

(e) such medical product is generally recognized among qualified experts as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable Food and Drug Administration regulations, including without limitation those related to packaging and labeling.

(f) LIABILITY OF HEALTH CARE PROVIDERS.—A health care provider who prescribes a drug or device (including blood products) approved by the Food and Drug Administration shall not be named as a party to a product liability lawsuit involving such drug or device and shall not be liable in a class action lawsuit against the manufacturer, distributor, or product seller of such drug or device.

(g) FAIR SHARE RULE.—In a health care lawsuit for harm which is alleged to relate to the adequacy of the packaging or labeling of a...
drug which is required to have tamper-resistant packaging under regulations of the Secretary of Health and Human Services (including labeling regulations related to such packaging, including any product of the manufacturer or product seller of the drug shall not be held liable for punitive damages unless such packaging or labeling is found by the trier of fact by clear and convincing evidence to be substantially out of compliance with such regulations. 

(4) EXCEPTION.—Paragraph (1) shall not apply in any health care lawsuit in which—

(A) a person provides health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, damage to property, loss of consortium (other than loss of domestic services), h PDOA (21 U.S.C. 301 et seq.) or section 351 of the Public Health Service Act (42 U.S.C. 262) that is material and is causally related to the harm which the claimant allegedly suffered; or

(B) a person made an illegal payment to an official of the Food and Drug Administration for the purpose of either securing or maintaining approval or clearance of such medical product.

SEC. 87. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS. (a) In General.—Any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding $50,000 is made against a person suffering physical injury other than providing health care services or medical products, regardless of the theory of liability on which the claim is based, or any other publicly or privately funded plan, including any person or entity required by State or Federal laws or regulations to be licensed, registered, or certified, or being either so licensed, registered, or certified, or excepted from such requirement by any State or Federal law. 

(b) Authorization.—The term “health care provider” means any person or entity required by State or Federal laws or regulations to be licensed, registered, or certified, or being either so licensed, registered, or certified, or excepted from such requirement by any State or Federal law. 

SEC. 88. DEFINITIONS. In this title:

(1) ALTERNATIVE DISPUTE RESOLUTION SYSTEM.—ADR.—The term “alternative dispute resolution system” or “ADR” means a system established or approved by the Secretary of Health and Human Services for resolution of health care disputes in a manner other than through a civil action brought in a State or Federal court.

(2) CLAIMANT.—The term “claimant” means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity or subrogation, or who seeks to be reimbursed out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether derivative or not, or a minor.

(3) COLLATERAL SOURCE BENEFITS.—The term “collateral source benefits” means any amount paid or reasonably likely to be paid in the future to or on behalf of the claimant, in the nature of or in lieu of, any settlement, or any service, product or other benefit promises or reasonably likely to be provided in the future to or on behalf of the claimant, as a result of the injury or wrongful death, pursuant to—

(A) any State or Federal health, sickness, income-disability, accident, or workers’ compensation law, or insurance for the resolution of health care lawsuits in a manner other than through a civil action brought in a State or Federal court.

(B) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage.

(C) any agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income disability benefits.

(D) any other publicly or privately funded program.

(4) COMPENSATORY DAMAGES.—The term “compensatory damages” means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic services), hedonic damages, injury to reputation, and all other noneconomic losses of any kind or nature. The term “compensatory damages” includes economic damages and noneconomic damages, as such terms are defined in this section.

(5) CONTINGENT FEE.—The term “contingent fee” includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(6) ECONOMIC DAMAGES.—The term “economic damages” means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for or (failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of business or employment opportunities, and loss of business or employment opportunities.

(7) HEALTH CARE LAWSUIT.—The term “health care lawsuit” means any health care liability claim concerning the provision of health care goods or services affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of claims or causes of action, in which the claimant alleges a health care liability action.

(8) HEALTH CARE LIABILITY ACTION.—The term “health care liability action” means a civil action brought in a State or Federal court, or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim.

(9) HEALTH CARE LIABILITY CLAIM.—The term “health care liability claim” means a demand by any person, whether or not pursuant to ADR, against a health care provider, health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, including, but not limited to, third-party claims, cross-claims, counter-claims, or contribution claims, in the main action or the provision of, use of, or payment for (or the failure to provide, use, or pay for) health care services or medical products, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action. 

(10) HEALTH CARE ORGANIZATION.—The term “health care organization” means any person or entity which is obligated to provide or pay for health benefits under any health care coverage, including any person providing under a contract or arrangement with a health care organization to provide or administer any health benefit.

(11) HEALTH CARE PROVIDER.—The term “health care provider” means any person or entity required by State or Federal laws or regulations to be licensed, registered, or certified, or being either so licensed, registered, or certified, or excepted from such requirement by any State or Federal law.

(12) HEALTH CARE GOODS OR SERVICES.—The term “health care goods or services” means any goods or services provided by a health care provider, against any individual working under the supervision of a health care provider, that relates to the diagnosis, prevention, or treatment of any human disease or impairment, or the assessment of the health of human beings.

(13) MALICIOUS INJURY TO INJURE.—The term “malicious injury to injure” means intentionally causing or attempting to cause physical injury other than providing health care services.

(14) MEDICAL PRODUCT.—The term “medical product” means a drug or device intended for humans, and the terms “drug” and “device” have the meanings given such terms in sections 201(g)(1) and 210(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342, respectively, including any component or raw material used therein, but excluding health care services.

(15) NONECONOMIC DAMAGES.—The term “noneconomic damages” means damages for physical and emotional pain, suffering, injury, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic services), hedonic damages, injury to reputation, and all other noneconomic losses of any kind or nature.

(16) PUNITIVE DAMAGES.—The term “punitive damages” means damages awarded, for the purpose of punishment or deterrence, and not solely for compensatory purposes, against a health care provider, health care organization, or a manufacturer, distributor, supplier, or seller of a medical product. Punitive damages are neither economic nor noneconomic damages.

(17) RECOVERY.—The term “recovery” means the net sum recovered after deducting any disbursements or costs incurred in connection with the litigation of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys’ reasonable overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(18) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 89. EFFECT ON OTHER LAWS. (a) VACCINE INJURY.

(1) IN GENERAL.—To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a claim for a vaccine-related injury or death—

(A) this title does not affect the application of the rule of law to such an action; and

(B) any rule of law under which an action is in conflict with a rule of law of such title XXI shall not apply to such action.

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(2) APPLICATION OF TITLE TO CERTAIN ACTIONS.—If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law under title XXI of the Public Health Service Act does not apply, then this title or otherwise applicable law (as determined under this title) will apply to such aspect of such action.

(b) LAW.—Exemptions provided in this section, nothing in this title shall be deemed to affect any defense available to a defendant in a health care lawsuit or action under any other provision of Federal law.

SEC. 10. STATE FLEXIBILITY AND PROTECTION OF STATES’ RIGHTS.

(a) HEALTH CARE LAWSUITS.—The provisions governing health care lawsuits set forth in this title preempt, subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this title. The provisions governing health care lawsuits set forth in this title supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a cause of action may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this title; or

(2) prohibits the introduction of evidence regarding collateral source benefits, or mandates or permits subrogation or a lien on collateral source benefits.

(b) PROTECTION OF STATES’ RIGHTS.—Any issue that is not governed by any provision of law established by or under this title (including State standards of negligence) shall be governed by otherwise applicable State or Federal law. This title does not preempt or supersede any law that imposes greater protections (such as a shorter statute of limitations) on health care providers and health care organizations from liability, loss, or damages than those provided by this title.

(c) STATE FLEXIBILITY.—No provision of this title shall be construed to preempt—

(1) any State statutory limit (whether enacted before, on, or after the date of the enactment of this title) on the amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, whether or not such State law prevents the application of any provisions of law established by or under this title, notwithstanding section 3(a); or

(2) any defense available to a party in a health care lawsuit under any other provision of State or Federal law.

SEC. 101. APPLICABILITY; EFFECTIVE DATE.

This title shall apply to any health care lawsuit brought in a Federal or State court, or subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this title, except that a lawsuit arising from an injury occurring prior to the date of the enactment of this title shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

SA 3815. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1. SEXUAL ABUSE OF CHILDREN AND OTHER MINORS.

Section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note) is amended—

(1) by striking "means a crime" and inserting the following: "means—

(a) a crime; and

(2) by striking the period at the end and inserting the following:

"a health care lawsuit."
On page 10, line 4, strike "(11)" and insert "(12)".

On page 10, line 17, strike "(12)" and insert "(13)".

On page 10, line 21, strike "(13)" and insert "(14)".

**SA 3822.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, strike line 14 and all that follows through page 11, line 23, and insert the following:

(b) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill; and

(c) shall be punished by death or imprisonment for any term of years or for life, or both, if death results from the offense.

(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, OR DISABILITY.—

(A) In General.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), wilfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, or disability of any person—

(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both;

(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if death results from the offense.

**SA 3825.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SECTION.** COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY FEDERAL AND STATE LAW ENFORCEMENT OFFICIALS.

(a) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF RELEVANT OFFENSE.—In this subsection, the term relevant offense means a crime described in section 1(b)(1) of the Hate Crime Statistics Act (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS-SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors' Association, shall select 5 jurisdictions with laws classifying certain types of offenses as relevant offenses and 5 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this subparagraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) Costs. Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(ii) OFFENSES OF RELIANT OFFENSE ACTIVITY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report that assesses the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of retaliatory activity throughout the United States and the success of State and local officials in combating that activity.

(iii) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

(1) geographic region;

(2) type of crime committed; and

(3) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(b) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—At the request of a State official, the Attorney General may, in cases where the Attorney General determines special circumstances exist, provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the victim's actual or perceived race, color, religion, national origin, or sexual orientation.

(c) APPOINTMENT OF LIAISONS.—

(1) IN GENERAL.—The Attorney General, or a designee of the Attorney General, shall appoint not less than one United States Attorney in every Federal jurisdiction in the United States to act as liaisons to State and local prosecutions of the offenses specified in subsection (b).

(2) RESPONSIBILITIES.—The liaisons appointed under paragraph (1)—

(A) shall ensure that any State and local requests for assistance are timely processed; and

(B) may assist the State and local investigation or prosecution in any way consistent with Department of Justice policy, including obtaining wiretaps pursuant to chapter 119 of title 18, United States Code, or obtaining search warrants from a United States District Court.

(d) GRANTS.—

(1) IN GENERAL.—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by reason of the victim's actual or perceived race, color, religion, national origin, or sexual orientation.

(2) ELIGIBILITY.—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) impose a requirement that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by...
Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, on the use of resources to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(b) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify the commission of relevant offenses specifically by—

(1) geographic region;

(2) type of crime committed; and

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(b) ASSISTANCE IN CRIMINAL FINANCIAL ASSISTANCE.—At the request of a law enforcement official of a State or a political subdivision of a State, and in cases where the Attorney General determines special circumstances exist, the Attorney General, acting through the Director of the Federal Bureau of Investigation may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State;

(3) is motivated by animus against the victim by reason of the victim’s actual or perceived race, color, religion, national origin, or sexual orientation;

(c) APPOINTMENT OF LIAISONS.—

(1) IN GENERAL.—The Attorney General, or a designee of the Attorney General, shall appoint a liaison for each relevant offense and 5 jurisdictions without laws relating to the jurisdiction, compared with the length of sentence imposed for crimes classified as relevant offenses in the jurisdiction, with no laws relating to relevant offenses and—

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(b) CONDUCT AN AUDIT OF THE GRANTS AWARDED.—An application for a grant under this subsection shall not exceed $100,000 for any single case, absent a certification from the Attorney General, or a desigee of the Attorney General, that special circumstances warranting additional funds exist.

(c) AUDIT.—Not later than December 31, 2003, the Attorney General, in consultation with the National Governors’ Association, shall conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 each for the fiscal years 2003 and 2004 to carry out this section.

SA 3826. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 625 to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table.

Strike all after the enacting clause and insert the following:

SECTION 1. COMPREHENSIVE STUDY AND SUPPLEMENTAL FUNDING FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF RELEVANT OFFENSE.—In this subsection, the term ‘relevant offense’ means a crime described in section 1(b)(1) of the Hate Crimes Statistics Act (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice or age.

(B) COLLECTION FROM CROSS-SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors’ Association, shall select 5 jurisdictions with laws classifying certain types of offenses as relevant offenses and 5 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this subparagraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses;

(iv) references to and descriptions of the laws under which the offenders were punished;

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will hold a hearing on Wednesday, June 11, 2002, at 1:30 p.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on the work of the U.S. Department of Interior’s Branch of Acknowledgment and Research within the Bureau of Indian Affairs.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.
SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 2002

On June 6, 2002, the Senate amended and passed H.R. 4775, as follows:

Resolved, That the bill from the House of Representatives entitled "An Act making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Office of the Secretary", $15,000,000, to remain available until expended:

Provided, That the Secretary shall transfer these funds to the Agricultural Research Service, the Animal and Plant Health Inspection Service, the Agricultural Marketing Service, the Food Safety and Inspection Service: 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.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $16,000,000, to remain available until September 30, 2003: 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.

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", $29,000,000, to remain available until expended.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Extension Activities", $16,000,000, to remain available until September 30, 2003: 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.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $60,000,000, to remain available until September 30, 2003: 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.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for "Food Safety and Inspection Service", $15,000,000, to remain available until September 30, 2003: 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.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations", for emergency recovery operations, $100,000,000, to remain available until expended: Provided, That of this amount, $27,000,000 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.

RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for "Rural Community Advancement Program"; for grants and loans as authorized by 7 U.S.C. 381E(d)(2), 306C(a)(14), and 306C, $25,000,000, with up to $5,000,000 for contracting with operating entities to conduct vulnerability assessments for rural community water systems, 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.

RURAL UTILITIES SERVICE

LOCAL TELEVISION LEAN GUARDIAN PROGRAM ACCOUNT

(INCLUDING RECESSIONS)

Of funds made available under this heading for the cost of guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $20,000,000 are rescinded.

For an additional amount for "Local Television Loan Guarantee Program Account", $20,000,000, to remain available until expended.

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for "Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)", $75,000,000, to remain available until September 30, 2003: Provided, That the amounts provided in this Act and any amounts available for reallocation in fiscal year 2002, the Secretary shall reallocate funds under section 17(q)(2) of the Child Nutrition Act of 1966, as amended, in the manner and under the formula the Secretary deems necessary to respond to the effects of unemployment and other conditions caused by the recession.

FOOD STAMP PROGRAM

ACCOUNT

Of funds which may be reserved by the Secretary for allocation to State agencies under section 16(b)(1) of the Food Stamp Act of 1977 to carry out the Employment and Training program, $33,000,000 are rescinded and returned to the Treasury.

GENERAL PROVISION, THIS CHAPTER

SEC. 101. ASSISTANCE TO AGRICULTURAL PRODUCERS THAT HAVE USED WATER FOR IRRIGATION FROM THE COLORADO AND TIJUANA RIVERS.

In General.—The Secretary of Agriculture shall use $10,000,000 of the funds from the Commodity Credit Corporation to make a grant to the State of Colorado, acting through the Department of Agriculture, to provide assistance to agricultural producers in the State of Texas with farm-
years when it must be sold for a salvage value of only a few cents per pound. (8) The impacts of breast-feeding on mother-to-child transmission remain controversial and appropriate strategies are not yet scientifically proven, especially in low-income communities where appropriate alternatives are not available and may be unsafe. (9) 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. digenous dairy production and processing sector conditions before dairy products are donated and cooperatives related to market assessments, ocean and inland transportation, accounting, HIV-positive mothers and children, to include epidemic; it is the sense of the Senate that the Secretary of Agriculture should— (1) utilize the existing 416(b) authority of the Agricultural Act of 1949 to dispose of dairy surpluses for direct feeding programs to mothers and children living with HIV/AIDS and communities heavily impacted by the HIV/AIDS pandemic; (2) 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, accounting, monitoring and evaluation expenses incurred by the Secretary, and expenses incurred by private and voluntary organizations and cooperatives related to market assessments, project design, fortification, distribution, and other similar expenses. (3) 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 price and stability of the indigenous dairy production and processing sector; and (4) Use none of these funds or commodities in any programs that would substitute dairy products for breast-feeding.

SEC. 105. (a) RESCissions.—The unobligated balances available under section 206(a) of Public Law 107–20 is rescinded as of the date of the enactment of this Act. (b) APPROPRIATIONS.—There is appropriated to the Secretary of Agriculture an amount equal to the unobligated balance rescinded by subsection (a) for expenses through fiscal year 2003 under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1721–1726a) for commodities supplied in connection with dispositions abroad pursuant to title II of said Act.

SEC. 106. Section 416(b)(7)(D)(iv) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)(D)(iv)) is amended by striking “subsection,” and inserting in lieu thereof the following: “subsection, or to otherwise carry out the purposes of this subsection.”

SEC. 107. 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 $12,750,000 from the amounts appropriated under the heading Food Safety and Inspection Service under the Agricultural, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2001 (Public Law 106–387) to liquidate over-obligeations and over-expenditures of the Food Safety and Inspection Service incurred during the fiscal years, approved by the Director of the Office of Management and Budget based on documentation provided by the Secretary of Agriculture.

CHAPTER 2
DEPARTMENT OF JUSTICE
GENERAL ADMINISTRATION
SALARIES AND EXPENSES
For an additional amount for “SALARIES AND EXPENSES” to respond to the September 11, 2001, terrorist attacks on the United States, $12,750,000, to remain available until expended: Provided, That $10,750,000 is for the planning, development, and deployment of an integrated fingerprint identification system, including automated capability to transmit fingerprint

IMMIGRATION AND NATURALIZATION SERVICE
SALARIES AND EXPENSES
For an additional amount for “SALARIES and EXPENSES” for fleet management, $35,000,000: 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.

CONSTRUCTION
For an additional amount for “Construction” for emergency expenses resulting from the September 11, 2001, terrorist attacks, $84,000,000: 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.

FEDERAL PRISON SYSTEM
BUILDINGS AND FACILITIES
(RESCISdION)
Of the amounts made available under this heading in Public Law 107–77 for buildings and facilities, $30,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS
ELECTION REFORM GRANT PROGRAM
For an amount to establish the Election Reform Grant Program, in accordance with the USA PATRIOT Act, to be derived from the amounts available from the criminal fines and special assessments, $59,000,000, to remain available until expended: Provided, That the entire amount shall not be available for obligation until the enactment of legislation that establishes programs for improving the administration of elections.

JUSTICE ASSISTANCE
(RESCISsion)
Of the amounts made available under this heading for the Office of the Assistant Attorney General for Office of Justice Programs, $2,000,000 are rescinded, and for the Office of Congressional and Public Affairs, $2,000,000 are rescinded.

COMMUNITY ORIENTED POLICING SERVICES
For an amount to establish the Community Oriented Policing Services’ Interoperable Communications Technology Program, for emergency expenses for activities related to combating terrorism by providing grants to States and localities to improve communications within, and among, law enforcement agencies, $450,000,000, to remain available until expended: Provided, That the entire amount shall be available for obligation until the enactment of legislation that establishes programs for improving the administration of elections.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES
DEPARTMENT OF COMMERCE
INTERNATIONAL TRADE ADMINISTRATION
OPERATIONS AND ADMINISTRATION
For an additional amount for “Operations and Administration” for emergency expenses resulting from new homeland security activities, $1,725,000: 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.

EXPORT ADMINISTRATION
OPERATIONS AND ADMINISTRATION
For an additional amount for “Operations and Administration” for emergency expenses resulting from new homeland security activities, $8,760,000: Provided, That, of the funds appropriated under this heading, such sums as are necessary may be transferred to, and merged with, any appropriations account to develop and implement secure connectivity between Federal agencies and the Office of the President: 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.

**THE JUDICIARY**

**SUPREME COURT OF THE UNITED STATES**

**CARE OF THE BUILDING AND GROUNDS**

For an additional amount for “Care of the Building and Grounds” for emergency expenses resulting from homeland security activities, $400,000: 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.

**CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES (RESCISSION)**

Of the amounts made available under this heading, $48,000,000 are rescinded from prior year appropriations.

**RELATED AGENCY**

**BROADCASTING BOARD OF GOVERNORS INTERNATIONAL BROADCASTING OPERATIONS**

For an additional amount for “International Broadcasting Operations”, for emergency expenses for activities related to combating international terrorism, $7,000,000, to remain available until September 30, 2003: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 15 of the State Department Basic Authorities Act of 1956, as amended: 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.

**RELATED AGENCIES**

**SECURITIES AND EXCHANGE COMMISSION SALARIES AND EXPENSES**

For an additional amount for “Salaries and Expenses” to respond to the September 11 terrorist attacks on the United States and for other purposes, $29,300,000, to remain available until expended: Provided, That $9,300,000 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.

**FOR THE JUDICIARY**

**CARE OF THE BUILDING AND GROUNDS**

For an additional amount for “Care of the Building and Grounds” for emergency expenses resulting from homeland security activities, $400,000: 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.

From new homeland security activities, and increased security requirements, of which $40,000,000 is for a cyber-security initiative: 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.

**DEPARTMENT OF STATE**

**ADMINISTRATION OF FOREIGN AFFAIRS**

**DIPLOMATIC AND CONSULAR PROGRAMS**

For an additional amount for “Diplomatic and Consular Programs,” for emergency expenses for activities related to combating international terrorism, $38,300,000, of which $20,300,000 shall remain available until September 30, 2003: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 15 of the State Department Basic Authorities Act of 1956, as amended: 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.

**EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS**

For an additional amount for “Educational and Cultural Exchange Programs”, for emergency expenses related to combating international terrorism, $38,300,000, of which $20,300,000 shall remain available until September 30, 2003: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 15 of the State Department Basic Authorities Act of 1956, as amended: 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.

**EMBASSY SECURITY, CONSTRUCTION, AND MENDACIES**

For an additional amount for “Embassy Security, Construction, and Maintenance”, for emergency expenses for activities related to combating international terrorism, $9,000,000: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 15 of the State Department Basic Authorities Act of 1956, as amended: 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.

**INTERNATIONAL ORGANIZATIONS AND CONFERENCES**

**CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS**

For an additional amount for “Contributions to International Organizations”, for emergency expenses for activities related to combating international terrorism, $7,000,000, to remain available until September 30, 2003: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 15 of the State Department Basic Authorities Act of 1956, as amended: 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.
(A) policies, plans, and oversight, as they relate to combating terrorism, counterterrorism, and antiterrorism activities;

(B) State and local preparedness for terrorist events;

(C) contingency operations within the Department of Justice and other departments, agencies, and entities of the United States, including State and local organizations, engaged in combating terrorism, counterterrorism, and antiterrorism activities; and

(D) critical infrastructure.

(3) coordinate

(A) all inter-agency interface between the Department of Justice and other departments, agencies, and entities of the United States, or State and local organizations, engaged in combating terrorism, counterterrorism, and antiterrorism activities; and

(B) implementation of the Department of Justice’s strategy for combating terrorism by State and local law enforcement with responsibilities for combating domestic terrorism;

(4) recommend changes in the organization and management of the Department of Justice and State and local entities engaged in combating domestic terrorism to the Attorney General and Deputy Attorney General; and

(5) serve in an advisory capacity to the Attorney General and Deputy Attorney General on matters pertaining to the allocation of resources for combating terrorism.

(4) The allocation of resources for combating terrorism shall remain under the purview of the Attorney General. Any changes in the allocation of resources will continue to be approved by the current Deputy Attorney General as follows:

(A) effective upon enactment of this Act, there is transferred to the Principal Associate Deputy Attorney General for Combating Terrorism all authorities, liabilities, funds, personnel, equipment, and real property employed or used by, or associated with, the Office of Domestic Preparedness, the National Domestic Preparedness Office, the Executive Office of National Security, and such appropriate components of the Office of Intelligence Policy and Review and the National Institute of Justice as relate to combating terrorism, counterterrorism, and antiterrorism activities.

(B) funds transferred under subsection (a) only in accordance with the procedures applicable to reprogramming notifications set forth in section 5332 of title 31, United States Code, or registered in the United States Code, or registered in the United States; or by a vessel documented under chapter 121 of title 46, United States Code, or registered in the United States, or a State, including State and local organizations, engaged in combating terrorism, counterterrorism, and antiterrorism activities;

(C) funds transferred under subsection (a) and inserted in title 46, United States Code, or registered in the United States, or a State, or by a vessel documented under chapter 121 of title 46, United States Code, or registered in the United States, or a State, or by a vessel documented under chapter 121 of title 46, United States Code, or registered in the United States; or

(D) funds transferred under subsection (a) and inserted in title 46, United States Code, or registered in the United States, or a State, or by a vessel documented under chapter 121 of title 46, United States Code, or registered in the United States;

(E) transferred: Provided further, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operations and maintenance; procurement; research, development, test and evaluation; military construction; the Defense Health Program; and working capital funds: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred herein are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

(5) The Secretary of Defense shall maintain an account in the Treasury to be known as the “Defense Emergency Response Fund” for the purposes of authorizing, carrying out, and expending, under the direction of the Secretary of Defense, funds to meet the special needs of the Department of Defense arising from emergency situations, including terrorism, with respect to which there is no other authority available.

(6) The fund established by subsection (a) shall remain available only for emergency situations, including terrorism, with respect to which there is no other authority available. 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.

Chapter 3

Department of Defense

Military Personnel

Military Personnel, Air Force

For an additional amount for “Military Personnel, Air Force”, $206,000,000: 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.

Operation and Maintenance

Defense Emergency Response Fund

Defensive Operations

For an additional amount for “Defensive Operations”, $11,300,000,000, of which $7,900,000,000 shall be available for enhancements to the National Air and Space Command, and $2,400,000,000 for “National Security Capabilities: 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.

Chapter 4

Operation and Maintenance, Army

For an additional amount for “Operation and Maintenance, Army”, $11,300,000,000: 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.

Operation and Maintenance, Navy

For an additional amount for “Operation and Maintenance, Navy”, $36,300,000: 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.

Operation and Maintenance, Air Force

For an additional amount for “Operation and Maintenance, Air Force”, $41,000,000: 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.

Chapter 5

National Veterans Business Development Corporation, $115,795,000: 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.

Chapter 6

Congressional Review Act

For an additional amount for “Congressional Review Act”, $115,790,000: 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.
For an additional amount for “Operation and Maintenance, Defense-wide”: $739,000,000, of which $420,000,000 may be used for payments to Pakistan, the Philippines, and key cooperating nations for logistical and military support provided to United States military operations in connection with United States efforts to defend and advance the national security interests of the United States and to act in the national interest of the United States.

For an additional amount for “Procurement, Air Force”: $752,300,000: 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.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for “Other Procurement, Army”, $752,300,000: 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.

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.

For an additional amount for “Procurement, Air Force”, $115,000,000: 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.

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.

For an additional amount for “Other Procurement, Air Force”, $79,200,000: 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.

For an additional amount for “Procurement, Defense-wide”, $99,500,000: 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.

For an additional amount for “Procurement, Defense-wide”, $60,800,000: 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.

For an additional amount for “Procurement, Defense-wide”, $74,700,000: 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.

For an additional amount for “Procurement, Defense-wide”, $19,000,000: 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.

For an additional amount for “Procurement, Defense-wide”, $3,500,000: 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.

For an additional amount for “Procurement, Defense-wide”, $93,000,000: 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.

For an additional amount for “Procurement, Defense-wide”, $74,700,000: 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.

For an additional amount for “Procurement, Defense-wide”, $24,800,000: 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.

For an additional amount for “Procurement, Defense-wide”, $262,000,000: 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.

For an additional amount for “Procurement, Air Force”, $17,900,000: 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.

For an additional amount for “Procurement, Air Force”, $3,500,000: 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.

For an additional amount for “Procurement, Air Force”, $7,900,000: 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.

For an additional amount for “Procurement, Air Force”, $3,500,000: 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.

For an additional amount for “Procurement, Defense-wide”, $2,500,000: 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.

For an additional amount for “Procurement, Defense-wide”, $3,500,000: 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.

For an additional amount for “Procurement, Defense-wide”, $5,100,000: 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.

For an additional amount for “Procurement, Marine Corps”, $19,000,000: 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.

For an additional amount for “Procurement, Marine Corps”, $262,000,000: 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.

For an additional amount for “Procurement, Marine Corps”, $22,800,000: 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.

For an additional amount for “Procurement, Marine Corps”, $5,500,000: 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.

For an additional amount for “Procurement, Marine Corps”, $3,500,000: 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.

For an additional amount for “Procurement, Marine Corps”, $74,700,000: 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.

For an additional amount for “Procurement, Marine Corps”, $99,500,000: 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.

For an additional amount for “Procurement, Marine Corps”, $74,700,000: 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.

For an additional amount for “Procurement, Marine Corps”, $262,000,000: 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.

For an additional amount for “Procurement, Marine Corps”, $22,800,000: 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.

For an additional amount for “Procurement, Marine Corps”, $5,500,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.
SEC. 308. Not later than 15 days after the date of the enactment of this Act, the Secretary of Defense shall obligate, from funds made available in title II of division A of Public Law 107–117 under the heading "Operation and Defense-Wide," $4,000,000 for a grant to support the conversion of the Naval Security Group, Winter Harbor (the naval base on Schoodic Peninsula), Maine, to function as a research and education center for Acadia National Park, Maine, including the preparation of a plan for the revitalization of the naval base for such purpose that will benefit communities in the vicinity of the naval base and visitors to Acadia National Park and will stimulate important research and educational activities.

SEC. 309. Of the amount available for fiscal year 2002 for the Army National Guard for operation and maintenance, $21,000,000 shall be available for the Army National Guard for information operations, information assurance operations, and training for such operations.

CHAPTER 4
DISTRICT OF COLUMBIA
FEDERAL FUNDS

FEDERAL PAYMENT TO THE CHILDREN'S NATIONAL MEDICAL CENTER
For a federal payment to the Children's National Medical Center in the District of Columbia for fiscal year 2002 of $2,070,000, to remain available until September 30, 2003, of which $11,700,000 is for the expansion of quarantine facilities, and $2,070,000 is for the establishment of an aquaculture and research facility for children and families: 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.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For a Federal payment to the District of Columbia to implement the District Emergency Operations Plan, $13,770,000, to remain available until September 30, 2003, of which $11,700,000 is for the expansion of quarantine facilities, and $2,070,000 is for the establishment of an aquaculture and research facility for children and families: 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.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For a Federal payment to the District of Columbia for unanticipated emergency preparedness, $1,000,000, to remain available until September 30, 2003, of which $250,000 shall be for securing fire hydrants and manholes to prevent unauthorized entry, $900,000 shall be to upgrade the hydrant flow meter, $1,800,000 is for remote monitoring of water quality, $700,000 is for design and construction of ventilation system improvements, and $100,000 is to create an Incident Response Plan: Provided, That the Water and Sewer Authority of the District of Columbia may reprogram up to $120,000 between the activities specified under this heading if it notifies in writing the Committees on Appropriations of the House of Representatives and the Senate thirty days in advance of the reprogramming: Provided further, That such funds may be transferred to 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.

FEDERAL FUNDS

DISTRICT OF COLUMBIA FUNDS
OPERATING EXPENSES

PUBLIC EDUCATION SYSTEM
(RESCission)
Notwithstanding any other provision of law, of the funds appropriated under this heading for public education in fiscal year 2002, $120,000 between the activities specified under this heading if it notifies in writing the Committees on Appropriations of the House of Representatives and the Senate thirty days in advance of the reprogramming: Provided further, That such funds may be transferred to 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.

DISTRICT OF COLUMBIA FUNDS

HUMAN SUPPORT SERVICES
(RESCission)
Notwithstanding any other provision of law, of the funds appropriated under this heading for Human Support Services, $37,000,000 from local funds: Provided, That such funds shall be for the Child and Family Services Agency to address increased adoption case rates, higher case loads for adoption and emergency group home utilization: Provided further, That such funds shall be for the Department of Public Health to address a Medicaid revenue shortfall.

PUBLIC SAFETY AND JUSTICE
(RESCission)
Notwithstanding any other provision of law, of the funds appropriated under this heading for the Corrections Information Council in the District of Columbia Appropriations Act, 2002, $500,000 is rescinded.

CORRECTIONS INFORMATION COUNCIL
For operations of the Corrections Information Council, $100,000 from local funds.

GOVERNMENTAL DIRECTION AND SUPPORT
The Congressional Direction and Support paragraph under this heading in the District of Columbia Appropriations Act, 2002 (Public Law 107–96), is amended by striking: "Provided, That not less than $353,000 shall be available to the Office of the Corporation Counsel to support increases in the Attorney Retention Allowance;" and inserting: "Provided further, That not less than $353,000 shall be available to the Office of the Corporation Counsel to support attorney compensation, performance, and tort liability. In addition, when the Chief Financial Officer determines that it is in the best interest of the District, the Mayor may procure insurance for property damage and tort liability. In addition, when the Chief Financial Officer determines that it is in the best interest of the District, the Chief Financial Officer may procure insurance subject to his independent procurement authority or otherwise recommend the procurement of insurance for financial losses resulting from misfeasance or malfeasance.

CRIME VICTIMS COMPENSATION FUND

For a Federal payment to the Metropolitan Area Transit Authority, $25,000,000, to remain available until December 1, 2003, of which $14,730,000 is for public safety expenses related to national security and crime prevention activities, and $9,770,000 is for the acquisition of property and facilities for the Metropolitan Area Transit Authority, $25,000,000, to remain available until December 1, 2003, of which $14,730,000 is for public safety expenses related to national security and crime prevention activities, and $9,770,000 is for the acquisition of property and facilities for the Metropolitan Area Transit Authority.

TRANSIT AUTHORITY REPROGRAMMING
For a Federal payment to the District of Columbia to implement the District Emergency Operations Plan, $24,730,000, to remain available until December 1, 2003, of which $14,730,000 is for public safety expenses related to national security and crime prevention activities, and $9,770,000 is for the acquisition of property and facilities for the Metropolitan Area Transit Authority, $25,000,000, to remain available until December 1, 2003, of which $14,730,000 is for public safety expenses related to national security and crime prevention activities, and $9,770,000 is for the acquisition of property and facilities for the Metropolitan Area Transit Authority.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For a Federal payment to the District of Columbia to implement the District Emergency Operations Plan, $13,770,000, to remain available until September 30, 2003, of which $11,700,000 is for the expansion of quarantine facilities, and $2,070,000 is for the establishment of an aquaculture and research facility for children and families: 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.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For a Federal payment to the District of Columbia to implement the District Emergency Operations Plan, $13,770,000, to remain available until September 30, 2003, of which $11,700,000 is for the expansion of quarantine facilities, and $2,070,000 is for the establishment of an aquaculture and research facility for children and families: 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.

FEDERAL PAYMENT TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For a Federal payment to the Metropolitan Washington Council of Governments, $3,753,000, to remain available until September 30, 2003, of which $1,927,000 is for support of the Regional Incident Communication and Coordination System, as approved by the Council; Provided, That the entire amount is designated as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL PAYMENT TO THE WATER AND SEWER AUTHORITY OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Water and Sewer Authority of the District of Columbia for emergency preparedness, $1,000,000, to remain available until September 30, 2003, of which $250,000 shall be for securing fire hydrants and manholes to prevent unauthorized entry, $900,000 shall be to upgrade the hydrant flow meter, $1,800,000 is for remote monitoring of water quality, $700,000 is for design and construction of ventilation system improvements, and $100,000 is to create an Incident Response Plan: Provided, That the Water and Sewer Authority of the District of Columbia may reprogram up to $120,000 between the activities specified under this heading if it notifies in writing the Committees on Appropriations of the House of Representatives and the Senate thirty days in advance of the reprogramming: Provided further, That such funds may be transferred to 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.
CHAPTER 5
DEPARTMENT OF DEFENSE—CIVIL
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS—CIVIL
OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General", $32,000,000, to remain available until expended, Provided, That the funds appropriated herein shall be available for emergency expenses pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER DEFENSE ACTIVITIES

For an additional amount for "Other Defense Activities" for emergency expenses necessary to support energy security and associated activities, $7,000,000. 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.
S5302

CONGRESSIONAL RECORD — SENATE
June 10, 2002

“(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

(1) authorize such 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 certify to the Committees on Appropriations that groundbreaking has occurred.

“(d) Funding.—For purposes of carrying out this section, the Secretary of Energy may use any available appropriations (including 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 the purposes of this section.

SEC. 504. In addition to amounts previously appropriated, $3,000,000 is hereby appropriated for the Department of the Interior, Bureau of Reclamation and Related Agencies to “drill for emergency wells in Santa Fe, New Mexico and shall remain available until expended.

CHAPTER 6
BILATERAL ECONOMIC ASSISTANCE
FUNDS APPROPRIATED TO THE PRESIDENT
UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND
For an additional amount for the “Child Survival and Health Programs Fund”, $200,000,000, 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 special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: Provided further, That of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, may make such contribution as the President considers to be Global Funds to combat HIV/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 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 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 funds appropriated under this heading, and funds appropriated under this heading that are merged with, funds appropriated under this Act under the heading “Nonproliferation, Anti-Terrorism, Demining and Related Programs”, for the purpose of providing nonproliferation, anti-terrorism, demining, and related assistance, shall be available notwithstanding section 512 of Public Law 107-295: Provided further, That funds appropriated under this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.

OTHER BILATERAL ECONOMIC ASSISTANCE
FUNDS APPROPRIATED TO THE PRESIDENT
UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT
For an additional amount for “Operating Expenses of the United States Agency for International Development” for emergency expenses for activities related to preventing or responding to international terrorism, $5,600,000, to remain available until March 31, 2003: Provided, That the funds appropriated by this paragraph, not less than $2,600,000 shall be made available for nonproliferation assistance to Pakistan: Provided further, That the funds appropriated by this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.

DEPARTMENT OF STATE
INTERNATIONAL DISASTER ASSISTANCE

INTERNATIONAL DISASTER ASSISTANCE
For an additional amount for “International Disaster Assistance”, $150,000,000, to remain available until March 31, 2003: Provided, That funds appropriated by this paragraph shall be made available for emergency expenses for Afghanistan for humanitarian and reconstruction activities related to preventing or responding to international terrorism, including repairing homes of Afghan citizens that were damaged as a result of military operations against al Qaeda and the Taliban: Provided further, That of the funds appropriated by this paragraph, up to $2,500,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development in support of the provision of such assistance: Provided further, That of the funds appropriated by this paragraph, $50,000,000 shall be made available for humanitarian, refugee and reconstruction assistance for the West Bank and Gaza: Provided further, That none of the funds provided in the preceding proviso shall be available for assistance for the Palestinian Authority: 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 funds appropriated by this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.

OTHER BILATERAL ECONOMIC ASSISTANCE
FUNDS APPROPRIATED TO THE PRESIDENT
UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS
For an additional amount for “Nonproliferation, Anti-Terrorism, Demining and Related Programs” for emergency expenses for activities related to preventing or responding to international terrorism, $50,000,000, to remain available until March 31, 2003: Provided, That the funds appropriated by this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.

For an additional amount for “Migration and Refugee Assistance”, $50,000,000, to remain available until March 31, 2003: Provided, That the funds appropriated by this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.
than $10,000,000 shall be made available for hu-
mankind demining activities: Provided further, 
That of the funds appropriated by this par-
graph, not to exceed $12,000,000 shall be 
made available for assistance for the Peace 
Brigade unit: Providing further, That funds 
appropriated by this paragraph that are made 
available for assistance for Indonesia may be 
subject to section 251(b)(2)(A) of the Balanced 
Budget and Emergency Deficit Control Act of 1985, as amended: 
Provided further, That funds appropriated by 
this paragraph shall be available only for 
Afghanistan: Provided further, That the 
funds appropriated by this paragraph, $2,000,000 shall be made available 
for small arms and light weapons destruction in 
Afghanistan: Provided further, That of the 
funds appropriated by this paragraph, $1,000,000 shall be made available for 
the Non-proliferation and Disarmament Fund: Provided further, That the entire amount is designated 
by the Congress as an emergency requirement pursuant to section 512 of Public Law 107–115 or 
any similar provision of law: Provided further, That funds appropriated by this paragraph shall be subject 
to the regular notification procedures of the Committees on Appropriations.

Funds Appropriated to the President

MILITARY ASSISTANCE

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Mili-
tary Financing Program" for emergency ex-
penses for activities related to preventing or re-
sponding to international terrorism, $347,500,000, to remain available until March 31, 2003:
Provided, That funds appropriated by this 
paragraph may be made available for assistance 
only for Afghanistan, Pakistan, Nepal, Jordan, 
Bahrain, Oman, Yemen, Uzbekistan, the Kyrgyz 
Republic, Tajikistan, Kazakhstan, Turkey, 
Georgia, the Philippines, Colombia, Djibouti, 
Ethiopia, Kenya, and Ecuador: Provided fur-
ther, That funds appropriated by this para-
graph shall be available, transmitted, 
train, and equip a Colombian Army brigade 
dedicated to providing security to civilian pros-
cutors in operations to collect evidence and execute 
evacuation orders against leaders of para-
military organizations: Provided further, That 
of the funds appropriated by this paragraph, 
not to exceed $3,500,000 may be made available 
for an additional amount for Afghan Armed Forces 
organizations designated as terrorist organiza-
tions under the previous proviso, the 
unobligated balances of funds provided in 
Public Law 92–301 and Public Law 93–142 for 
activities related to preventing or responding to 
terrorism, $20,000,000, to remain avail-
able until March 31, 2003: Provided, That the 
entire amount is designated by the Congress as 
an emergency requirement pursuant to section 
512 of Public Law 107–115 or any similar provision of law: Provided further, That funds appropriated by this paragraph shall be subject to the regular notification pro-
cedures of the Committees on Appropriations.

MULTILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President

INTERNATIONAL FINANCIAL INSTITUTIONS

(RESCISSION)

The unobligated balances of funds provided in 
Public Law 92–301 and Public Law 93–142 for 
activities related to preventing or responding to 
terrorism, $50,000,000 are rescinded.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 601. INTERNATIONAL ORGANIZATIONS AND 
PROGRAMS. Section 576 of Public Law 107–115 is amended:
(1) in subsection (a) by striking "not more than"; and
(2) by adding the following new subsection: 
"(b) Funds made available pursuant to subsection (a) shall be obligated and disbursed not later than July 
10, 2002, unless otherwise prohibited by law.".

SEC. 602. ELIMINATION. (a) Prior to 
providing assistance to a government with funds 
appropriated by this chapter, the Secretary of State 
shall take into account whether such gov-
ernment has effectively made substantial 
progress in establishing:
(1) the rule of law, political pluralism includ-
ing the establishment of political parties, respect 
for fundamental human rights including free-
doms of expression, religion and association, 
and the rights to due process, a fair trial, and 
equal protection under the law;
(2) democratic institutions, independent 
media, credible electoral processes, and condi-
tions for the development of an active civil soci-
ety;
(3) a market-based economy, and economic 
policies to reduce poverty and increase the 
availability of health care and educational op-
portunities that offer viable alternatives to illicit 
activities; and
(4) effective mechanisms to combat corruption 
and bribery, such as signing and implementing 
the Convention on Combating Bribery of For-
eign Public Officials in International Business 
Transactions.

(b) Nothing in this section shall apply to 
funds appropriated under this chapter for 
asistance for Afghanistan or under the heading 
"International Disaster Assistance".

SEC. 603. COLOMBIA. (a) COUNTER-TERROISM 
AUTHORITY.—In fiscal year 2002, funds avail-
able under section 2201 of the heading 
"Andean Counterdrug Initiative" in Public Law 107–115 for assistance for the Colombian 
Armed Forces and the Colombian National Po-
fice, funds appropriated by this Act that are 
made available for such assistance, and unex-
zed balances and assistance previously pro-
vided, that are made available for foreign operations, export financing, and 
related programs for such assistance, shall be 
available to support the Colombian Govern-
ment's anti-drug, anti-terror, anti-corruption, anti-traf-
ficking and anti-paramilitary and guerrilla 
or organiza-
tions designated as terrorist organiza-
tions in that country.

(b) In order to ensure the effectiveness of 
United States support for such united 
campaign, prior to the exercise of the authority con-
tained in subsection (a) to provide counter-ter-
ror assistance, the Secretary of State shall 
report to the appropriate congressional commit-
te that—
(1) the newly elected President of Colombia has—
(A) committed, in writing, to establish comprehen-
sive policies to combat illicit drug cultiva-
tion, manufacturing, and trafficking (particu-
larly with respect to providing economic oppor-
tunities that offer viable alternatives to illicit 
crops) and to restore government authority and 
respect for human rights in areas under the 
effective control of paramilitary and guerrilla 
or organiza-
tions;

(RESCISSION)

(b) of the funds appropriated under the heading 
"Economic Support Fund" in title II of the 
Foreign Operations, Export Financing, and Re-
lated Programs Appropriations Act, 2000 (as 
contained in Public Law 106–113) and in prior 
Acts making appropriations for foreign oper-
ations, export financing, and related programs, 
$30,000,000 are rescinded.
Forum Foundation to implement the TRANSFORM Program to obtain available space on commercial ships for the shipment of humanitarian assistance to needy foreign countries. 

SALARIES AND EXPENSES

For an additional amount for “Departmental Management, Salaries and Expenses”, $2,000,000, to remain available until expended, for planning, design, and construction of an alcohol collections storage facility at the Museum Support Center: Provided, That the Congress designates 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.

LEGAL AID PROGRAMS

For an additional amount for “Legal Aid Program”, $321,978,000, to be available through June 30, 2003, for carrying out section 171(d) and 173 of the Workforce Investment Act, except that not more than $250,000 may be used for carrying out section 173 of that Act, which is available for obligation through June 30, 2003 for carrying out section 132(a)(2)(B) of such Act; of which $10,000,000 is available for obligation through June 30, 2003 for“Public Works” investments and $1,700,000 for “Plan-for-400 investments; and of which $110,000,000 is available for obligation July 1, 2001 through June 30, 2002 for carrying out section 132(a)(2)(B) of the Workforce Investment Act notwithstanding section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CENSUS SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for “Census Surveys, Investigations, and Research”, $2,000,000, to remain available until expended, for construction of a building to house the Second Decennial Census headquarters: Provided, That the Congress designates 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.

DEPARTMENTAL MANAGEMENT

For an additional amount for “Departmental Management, Salaries and Expenses”, $3,500,000, to be available through June 30, 2003, for carrying out section 133(b)(2)(B) of such Act and shall be allotted and allocated in a manner that restores to the affected States and local workforce investment areas the $110,000,000 that was subject to rescission under Public Law 107–20: 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.

SMITHSONIAN INSTITUTION

For an additional amount for “Smithsonian Institution wages and salaries”, $7,030,000, to remain available until expended, for facility and safety improvements related to long-term security needs of Afghanistan, further the rule of law and civil order, and to support the formation of a functioning, representative Afghan national government.

CHAPTER 7

DEPARTMENT OF THE INTERIOR

United States Fish and Wildlife Service

RESOURCE MANAGEMENT

For an additional amount for “Resource Management”, $412,000, to remain available until expended, to reimburse homeland security-related costs: Provided, That the Congress designates 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.

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

For an additional amount for “Construction”, $21,651,000, to remain available until expended, for facility and safety improvements related to homeland security: Provided, That the Congress designates 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.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for “Construction”, $17,651,000, to remain available until expended: Provided, That the Congress designates 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.

United States Geological Survey

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for “Surveys, Investigations, and Research”, $26,776,000, to remain available until expended, of which $20,000,000 is for high resolution mapping and images of strategic cities, and of which $6,776,000 is for data storage infrastructure upgrades and emergency power supply system improvements at the Earth Resources Observation Systems Data Center; Provided, That the Congress designates 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.

DEPARTMENTAL OFFICES

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for “Departmental Management, Salaries and Expenses”, $113,990,000, to remain available until expended, of which $4,130,000 may be transferred by the Secretary to any office within the Department of the Interior other than the Bureau of Reclamation: Provided, That the Congress designates 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.

CHAPTER 8

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRANSPORTATION SERVICES

For an additional amount for “Training and Employment Services”, $400,000,000, of which $200,000,000 is available for obligation through June 30, 2004 for carrying out sections 171(d) and 173 of the Workforce Investment Act, except that not more than $250,000 may be used for carrying out section 173 of that Act, which is available for obligation through June 30, 2003 for carrying out section 132(a)(2)(B) of such Act; of which $10,000,000 is available for obligation through June 30, 2003 for “Public Works” investments and $1,700,000 for “Plan-for-400 investments; and of which $110,000,000 is available for obligation July 1, 2001 through June 30, 2002 for carrying out section 132(a)(2)(B) of the Workforce Investment Act notwithstanding section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

Of the funds provided under this heading in Public Law 107–116 for Occupational Safety and Health Administration, training grants, $1,000,000 shall be used to reduce reductions in Institutional Competency Building training grants which commenced in September 2000, for program activities ending September 30, 2002 and $4,275,000 shall be used to extend funding for these same Institutional Competency Building training grants for program activities for the period of September 30, 2002 to September 30, 2003, and $4,275,000 shall be used to extend funding for targeted training grants which commenced in September 2001 for program activities for the period of September 30, 2002 to September 30, 2003, provided that a grantee has demonstrated satisfactory performance.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The matter preceding the first proviso under this heading in Public Law 107–116 is amended—

(1) by inserting “IV, after “titles II, III,”; ”
and

(2) by striking “$311,978,000” and inserting “$315,333,000”.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For emergency expenses necessary to support activities related to countering potential biological, disease, and chemical threats to civilian populations and for carrying out title III of the Public Health Service Act, $315,333,000, to be available until expended. Of this amount, $27,000,000 shall be for improving security, including information technology security, and $278,000,000 shall be for equipment and construction and renovation of facilities in Atlanta.
Provided. That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project. Provided further, that the solicitation and contract shall contain the clause “availability of funds” found at 48 CFR 52.219-18: 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.

NATIONAL DEFENSE
BUILDINGS AND FACILITIES
(INCLUDING RECESSIO]

Of the funds provided under this heading in Public Law 107-116, $30,000,000 are rescinded.

For further extension of an operation or support activities related to countering potential biological, disease, and chemical threats to civilian populations, and for the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $72,000,000 to remain available until expended: Provided, That notwithstanding any other provision of law, a single contract or related contracts for the development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause “availability of funds” found at 48 CFR 52.219-18: 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.

OFFICE OF THE SECRETARY
PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For emergency expenses necessary to respond to the September 11 attacks on the United States for “Public Health and Social Services Emergency Fund” for baseline and follow-up screening, long-term health monitoring and analysis, emergency services personnel and rescue and recovery personnel, $90,000,000, to remain available until expended, of which no less than $25,000,000 shall be available for current and future operations: 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.

DEPARTMENT OF EDUCATION

School Improvement Programs

The matter under this heading in Public Law 107-116 is amended by inserting before the period, “The matter under this heading in Public Law 107-116 is amended by inserting before the period, “The matter under this heading in Public Law 107-116 is amended by inserting before the period,” the following new proviso: 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.

School Improvement Programs

SEC. 801. The Elementary and Secondary Education Act of 1965 is hereby amended in section 8002(b)(1)(B), by substituting subsection (b)(1)(II) as follows: “For a local educational agency that does not qualify under (B)(i)(II)(aa) of this subsection and has an enrollment of more than 10,000 students in the more than 10,000 children...”

SEC. 802. The Elementary and Secondary Education Act of 1965 is hereby amended in section 8003(b)(1) by adding the following as subpara-
CHAPTER 9
LEGISLATIVE BRANCH
JOINT ITEMS
CAPITOL POLICE BOARD
CAPITOL POLICE
GENERAL EXPENSES
For an additional amount for the Capitol Police Board for necessary expenses of the Capitol Police, including and installation, supplies, materials and contract services, $1,600,000, to be disbursed by the Capitol Police Board or their designee: Provided, That the entire amount is an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

LIBRARY OF CONGRESS
COPYRIGHT OFFICE
SALARIES AND EXPENSES
For an additional amount for “Copyright Office, Salaries and expenses”, $7,500,000, 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.

SEC. 801. The Higher Education Amendments of 1998 are hereby amended in section 821 as follows:

(1) in subsection (b), by striking “25” and inserting “35”;

(2) in subsection (c)(2), by striking “$1,500” and inserting “$2,000”; and

(3) in subsection (f) by striking “25” and inserting “35”.

SEC. 802. (a) Section 487 of the Public Health Service Act (42 U.S.C. 288) is amended by striking “Ruth L. Kirschstein National Research Service Award” and inserting “Ruth L. Kirschstein National Research Service Award” as appropriate.

(b) The heading for Section 487 of the Public Health Service Act (42 U.S.C. 288) is hereby amended to read as follows: “Ruth L. Kirschstein National Research Service Awards”.

SEC. 803. (a) Any reference in any law (other than this Act), report, document, record, or other paper of the United States to “National Research Service Awards” shall be considered to be a reference to “Ruth L. Kirschstein National Research Service Awards”.

(b) The funds provided by this or any other Act may be used to enforce the amendments made by section 166 of the Community Renewal Tax Relief Act of 2000 on the State of Alaska, including the imposition of any penalties.

SEC. 807. LOCAL EDUCATIONAL AGENCY SERVING NEW YORK CITY. Notwithstanding section 112(c)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(2)), for fiscal year 2007, any local educational agency serving New York City receives an allocation under section 112 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 112 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) for fiscal year 2001, then—

(1) the amount of the excess of the amount of the fiscal year 2001 allocation on an equal per-pupil basis consistent with section 111(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(2) each county in New York City shall receive an amount equal to the aggregate amount that is less than the amount that was received in fiscal year 2001.

SEC. 808. In the statement of the managers of the conference 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 specified in the Conference Report on the Bethel Correctional Facility Corporation worker demonstration project shall be deemed to read as follows: “For the Alaska CHAR vocational training program, $100,000 and $50,000 for the McCarthy Learning Center in Bethel, Alaska for vocational training for Alaska Natives.”
expenses for homeland security, $347,700,000, to remain available until September 30, 2004: 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.

FEDERAL AVIATION ADMINISTRATION OPERATIONS

For an additional amount for “Operations”, $100,000,000, for security activities at Federal Aviation Administration facilities: 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.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for “Facilities and Equipment”, $15,000,000, to be derived from the Airport and Airway Trust Fund and 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.

GRANTS-IN-AY FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount to enable the Federal Aviation Administrator to compensate airports for the direct costs associated with new, additional or revised security requirements imposed by the Administrator on or after September 11, 2001, notwithstanding any other provision of law, $100,000,000, to be derived from the Airport and Airway Trust Fund and 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.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount for “Emergency Relief Program”, as authorized by 23 U.S.C. 125, for emergency expenses to respond to the September 11, 2001, terrorist attacks on New York City, $157,600,000 for the State of New York, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That notwithstanding 23 U.S.C. 125(e), the Federal share for any project on a Federal-aid highway related to the New York City terrorist attacks shall be 100 percent: Provided further, That notwithstanding 23 U.S.C. 125(d)(1), the Secretary of Transportation may obligate more than $100,000,000 for those projects: 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.

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

(RECISION)

Of the funds apportioned to each state under the program authorized under sections 1101(a)(1), 1101(a)(2), 1101(a)(3), 1101(a)(4) and 1101(a)(5) of Public Law 105-178, as amended, $320,000,000 are rescinded.

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

(RECISION)

For an additional amount for the “Emergency Relief Program”, as authorized by section 125 of title 23, United States Code, $230,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That the amount made available under this paragraph shall be used solely for eligible but uncompensated applications pending as of May 28, 2002, including $13,411,000 for projects in the State of Wash- ington stemming from the November 28 earthquake and other disasters, and up to $12,000,000 for emergency expenses to respond for the May 26, 2002 Interstate 90 bridge collapse over the Arkansas River in Kansas. The Secretary may enter into such contracts or grants with the American Association of Motor Vehicle Administrators, States, or other persons as the Secretary, in consultation with the American Association of Motor Vehicle Administrators, may designate to carry out these purposes: 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.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

BORDER ENFORCEMENT PROGRAM

For necessary expenses of the Border Enforce ment Program to respond to the September 11, 2001, terrorist attacks on the United States, $19,300,000, to be derived from the Highway Trust Fund, of which $4,200,000 shall be to implement section 107–56 (U.S. Patriot Act); $10,000,000 shall be for drivers’ license fraud detection and prevention, northern border safety and security study, and hazardous material security education and outreach; and $5,100,000 shall be for the purposes of coordinating drivers’ license registration and social security number verification: Provided, That in connection with such commercial drivers’ license fraud deterrence projects, the Secretary may enter into such contracts or grants with the American Association of Motor Vehicle Adminis trators, States, or other persons as the Secretary may designate to carry out these purposes: 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.

FEDERAL RAILROAD ADMINISTRATION

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for the National Railroad Passenger Corporation for emergency expenses to ensure the safety of rail passenger operations, $55,000,000, to remain available until expended, of which $20,000,000 shall be used to repair damaged passenger equipment, $12,000,000 shall be used for emergency security needs, and $23,000,000 shall be used for the heavy overhaul of the rail passenger fleet.

FEDERAL TRANSIT ADMINISTRATION

CAPITAL INVESTMENT GRANTS

For an additional amount for “Capital Investment Grants” for emergency expenses to respond to the September 11, 2001, terrorist attacks in New York City, $1,800,000,000, to remain available until expended, to replace, rebuild, or enhance the public transportation systems serving the Borough of Manhattan, New York City, New York: Provided, That the Secretary may use up to one percent of this amount for oversight activities: Provided further, That these funds are subject to grant requirements as determined by the Secretary to ensure that eligible projects will improve substantially the mobility of commuters in Lower Manhattan: Provided further, That the Federal share for any project funded from this amount shall be 100 percent: Provided further, That these funds are in addition to any other appropriation available for these purposes:

RESEARCH AND SPECIAL PROGRAMS

ADMINISTRATION

For an additional amount for “Research and Special Programs” to establish a Transportation Information Center for improving transportation emergency response coordination, $2,500,000: 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.

FEDERAL RAILROAD ADMINISTRATION

CHAPTER 11 DEPARTMENT OF THE TREASURY

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

(RECENSION)

Of the available balances under this heading, $14,000,000 are rescinded.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

(RECISION)

For an additional amount for “Salaries and Expenses”, $59,000,000, 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: Provided further, That $10,000,000 is authorized for reimbursing State and local law enforcement agencies that have provided Federal assistance to personnel of the United States Customs Service, along the Northern Border of the United States.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RECISION)

Of the available balances under this heading, $10,000,000 are rescinded.
CHAPTER 12
DEPARTMENT OF VETERANS AFFAIRS
VETERANS BENEFITS ADMINISTRATION
COMPENSATION AND PENSIONS
For an additional amount for “Compensation and pensions”, $1,100,000,000, to remain available until expended.

VETERANS HEALTH ADMINISTRATION
MEDICAL CARE
For an additional amount for “Medical care” resulting from continued open enrollment for Priority Level 7 veterans, $142,000,000.

For an additional amount for “Medical care”, $275,000,000: 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.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
PUBLIC AND INDIAN HOUSING
HOUSING CERTIFICATE FUND
(RECISION)
Of the amounts made available in the section of the Act under the heading “Community Development Fund” in title II of Public Law 107–3 are rescinded from the Downpayment Assistance Initiative.
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.

FEDERAL EMERGENCY MANAGEMENT AGENCY

For an additional amount for "Disaster relief" for emergency expenses to respond to the September 11, 2001, terrorist attacks, $2,650,000,000, to remain available until expended: Provided, That in administering the Mortgage and Rental Assistance Program for victims of September 11, 2001, the Federal Emergency Management Agency shall continue to administer the Disposition of Assets in Revitalization Areas program as provided in section 602 of Public Law 105-276 and the Secretary shall renew all contracts and enter into new contracts with eligible participants in a manner consistent with the requirements of such section.

SEC. 1202. The Secretary of Housing and Urban Development shall submit a report every 90 days to the Committees on Appropriations on the status of any multifamily housing project (including all hospitals and nursing homes) insured under the National Housing Act for longer than 60 days. The report shall include the location of the property, the reason for the default, and all actions taken by the Secretary and the lender with respect to the project, including any work-out agreements, the status and terms of any assistance, or loans, and any transfer of an ownership interest in the property (including any assistance or loans made to the prior, current or intended owner of the property or to the local unit of government in which the property is located).

SEC. 1203. For purposes of assessing the use of Stafford Apartments (FHA Project No: 052-44163) as student housing, notwithstanding any other provision of law:

(1) such project shall not be considered an eligible multifamily housing project pursuant to section 321(2) of MAHRAA for a period not to exceed 24 months from the date of enactment of this amendment, and the Secretary shall offer to extend the current Section 8 contract at rent levels as in effect during fiscal year 2001, subject to annual operating cost adjustment factor increases, for a continuous period of commencing October 1, 2001 not to exceed 24 months from the date of enactment of this amendment, provided that such contract is extended further at such rent levels to accomplish a mortgage restructuring if required after such 24 month period for a period of the earlier of one year or the closing of the restructuring plan as forth in the regulations promulgated at 24 CFR Part 401 as now in effect;

(2) subject to the concurrence by the Secretary of a relocation plan for current tenants, all of the units in the projects may be available for student housing notwithstanding any federal use restrictions including those required pursuant to Section 201 of the Housing and Community Development Amendments of 1978, as amended, and Section 250 of the National Housing Act, as amended; and

(3) upon the concurrence by the Secretary of such relocation plan, all of the tenants of the project shall be relocated, and any rights of tenants to elect to remain in the project pursuant to the regulations at 24 CFR parts 3, 5, 599, or 600 shall not apply.

CERRO GRANDE FIRE CLAIMS

For an additional amount for "Cerro Grande Fire Claims", $80,000,000 for claims resulting from the Cerro Grande fires: 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.

NATIONAL SCIENCE FOUNDATION

For an additional amount for "Education and human resources" for emergency expenses to respond to emergent needs in cyber security, $19,300,000, for work authorized 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.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 1201. The Secretary of Housing and Urban Development shall continue to administer
David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated, “there would be no point, and no one should do so, in not serving the cause of international justice.”

(5) Ambassador Scheffer went on to tell the Congress that: “Multinational peacekeeping forces are being established in a country that has agreed to the treaty will be exposed to the Court’s jurisdiction

even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty’s purpose to establish an arrangement whereby United States armed forces operating overseas could be conceivable prosecuted by the international court even if the United States has not agreed to be bound by the treaty. This is contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed.”

(6) Notwithstanding these concerns, President Clinton directed that the United States sign the Rome Statute on December 31, 2000. In a statement he noted that the United States has agreed to the treaty to address the unmet demands for nonparties without their consent to be parties only and that it does not create obligations for nonparties. The treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. This is contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed.”

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

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

(9) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by a Multinational Criminal Court.

Particularly if the Preparatory Commission agrees on a definition of the Crime of Aggression over United States objections, senior United States Government officials may face the risk of criminal prosecution for their assertions that the United States will not be subject to the jurisdiction of the Multinational Criminal Court.

(10) Any agreement within the Preparatory Commission on a definition of the Crime of Aggression that usurps the prerogative of the United Nations Security Council under Article 39 of the charter of the United Nations, “to determine the existence of any ... act of aggression” would contravene the charter of the United Nations and undermine deterrence.

(11) A fundamental principle of international law that a treaty is binding upon its parties only and that it does not create obligations for nonparties without their consent to be bound by it is not a provision of the Rome Statute and will not be bound by any of its terms. The United States will not recognize the jurisdiction of the International Criminal Court over United States nationals.

SEC. 3003. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS TITLE.

(a) AUTHORIZATION TO WAIVE SECTIONS 3005 AND 3007.—The President is authorized to waive the prohibitions and requirements of sections 3005 and 3007 for a single period of 1 year. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

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

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

(A) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity: (i) covered United States persons; (ii) covered allied persons; and (iii) individuals who were covered United States persons or covered allied persons; and

(B) ensures that no person described in subparagraph (A) will be arrested, detained, prosecuted, convicted, or imprisoned by or on behalf of the International Criminal Court.

(b) AUTHORITY TO EXTEND WAIVER OF SECTIONS 3005 AND 3007.—The President is authorized to extend the waiver of prohibitions and requirements of sections 3005 and 3007 for successive periods of 1 year each upon the expiration of a previously waiver pursuant to subsection (a) or this subsection. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

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

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

(A) remains party to, and has continued to abide by, a binding agreement that—

(i) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity: (I) covered United States persons; (II) covered allied persons; and (III) individuals who were covered United States persons or covered allied persons; and

(ii) ensures that no person described in clause (i) will be arrested, detained, prosecuted, or im- prisoned by or on behalf of the International Criminal Court.

(B) has taken no steps to arrest, detain, prosecute, or imprison any person described in clause (i) of subparagraph (A) for a period of 6 months.

(c) AUTHORITY TO WAIVE SECTIONS 3004 AND 3006 WITH RESPECT TO AN INVESTIGATION OR PROSECUTION OF A NAMED INDIVIDUAL.—The President is authorized to direct the head of an agency to waive the prohibitions and requirements of sections 3004 and 3006 to the degree such prohibitions and requirements would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

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

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

(A) the waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 3005 and 3007 expires and is not extended pursuant to subsection (b).

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

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

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

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

(2) shall not prohibit—

(A) any action permitted under section 3008; or

(B) communication by the United States of its policy with respect to a matter.

(b) PROHIBITION ON RESPONDING TO REQUESTS FOR COOPERATION.—Notwithstanding section 1782 of title 28, United States Code, or any other provision of law, no United States Court, and no agency of the United States Government may extradite any person to any court, or cooperate with any court, on the basis of a request for cooperation submitted by the International Criminal Court pursuant to the Rome Statute.

(c) PROHIBITION ON TRANSMITTAL OF LETTERS ROGATORY FROM THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding section 1782 of title 28, United States Code, or any other provision of law, no United States Court, and no agency of the United States Government may transmit for execution any letter rogatory issued, or other request for cooperation made, by the International Criminal Court pursuant to the Rome Statute.

(d) PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government may extradite any person to the International Criminal Court, nor support the transfer of any United States citizen or permanent resident alien to the International Criminal Court.

(e) PROHIBITION ON PROVISION OF SUPPORT TO THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government may extradite any person to the International Criminal Court, nor support the transfer of any United States citizen or permanent resident alien to the International Criminal Court.
of law, no funds appropriated under any provision of law may be used for the purpose of assisting investigation, arrest, detention, extradition, or prosecution of any United States citizen or national or alien alien by the International Criminal Court.

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

(a) POLICY.—Effective beginning on the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President shall use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations permanently exempts, at a minimum, members of the Armed Forces of the United States participating in such operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) RESTRICTION.—Members of the Armed Forces of the United States may not participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations, the creation of which is authorized by the United Nations Security Council or on or after the date that the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, unless the President has submitted to Congress a certification described in subsection (c) with respect to such operation.

(c) CERTIFICATION.—The certification referred to in subsection (b) is a certification by the President that—

(1) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because each country in which members of the Armed Forces of the United States are present in the operation will either be a NATO member country (including Australia, Canada, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand); or

(2) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because each country in which members of the Armed Forces of the United States are present in the operation will either be a NATO member country (including Australia, Canada, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand); or

(3) the national interests of the United States justify participation by members of the Armed Forces of the United States in the peacekeeping or peace enforcement operation.

SEC. 3006. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CLASSIFIED NATIONAL SECURITY INFORMATION AND LAW ENFORCEMENT INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.

(a) IN GENERAL.—Not later than the date on which the Rome Statute enters into force, the President shall not approve any appropriate procedures in place to prevent the transfer of classified national security information and law enforcement information to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

SEC. 3010. WITHHOLDINGS.

(a) REPORT ON ALLIANCE COMMAND ARRANGEMENTS.—Not later than 6 months after the date of the enactment of this Act, the President shall transmit to Congress a report with respect to each foreign military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(2) describing measures to achieve enhanced protection for members of the Armed Forces of the United States engaged in military operations undertaken by or pursuant to that alliance.

(b) SUBMISSION IN CLASSIFIED FORM.—The report required under subsection (a) shall be submitted in classified form.

SEC. 3018. WITHHOLDINGS. Funds withheld from the United States share of assessments to the United Nations or any other international organization during any fiscal year pursuant to this section shall be offset by the Secretary of the Treasury in offsetting the assessment of any other Member State.
to be exempted from the jurisdiction of the International Criminal Court.

(4) COVERED UNITED STATES PERSONS.—The term “covered United States persons” means United States citizens, nationals, or lawfully admitted permanent residents of the United States, or any other person employed by or working on behalf of the United States Government, and other persons employed by or working on behalf of the United States Government in an activity or operations in defense of the Armed Forces of the United States that are not a party to the International Criminal Court.

(5) EXTRACTION.—The terms “extradition” and “surrender” mean the return, on request of the United States, of a person in accordance with the provisions of chapter 209 of title 18, United States Code, (including section 3181(b) of such title) and such terms include those as those terms are defined in Article 102 of the Rome Statute.

(6) INTERNATIONAL CRIMINAL COURT.—The term “International Criminal Court” means the international Tribunal established by the Rome Statute.

(7) MAJOR NON-NATO ALLY.—The term “major non-NATO ally” means a country that has been so designated in accordance with section 317 of the Foreign Assistance Act of 1961.

(8) PARTICIPATE IN ANY PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS.—The term “participate in any peacekeeping operation under chapter VI of the Charter of the United Nations” means to be a party to the peacekeeping operation, as defined in the Rome Statute.

(9) PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS.—The term “peacekeeping operation under chapter VI of the Charter of the United Nations” includes both peacekeeping and peace enforcement operations.

(10) PEACEKEEPING OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term “peacekeeping operation under chapter VII of the Charter of the United Nations” includes both peacekeeping and peace enforcement operations.

SEC. 3012. NONDELEGATION.

The authorities vested in the President by sections 3003 and 3011(a) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law.

SEC. 3013. DEFINITIONS.

As used in this title and in section 706 of the Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) CLASSIFIED NATIONAL SECURITY INFORMATION.—The term “classified national security information” means information that is classified or classifiable under Executive Order 12958 or a law.

(3) COVERED ALLIED PERSONS.—The term “covered allied persons” means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

(4) COVERED UNITED STATES PERSONS.—The term “covered United States persons” means United States citizens, nationals, or lawfully admitted permanent residents of the United States, or any other person employed by or working on behalf of the United States Government, and other persons employed by or working on behalf of the United States Government in an activity or operations in defense of the Armed Forces of the United States that are not a party to the International Criminal Court.

(5) EXTRACTION.—The terms “extradition” and “surrender” mean the return, on request of the United States, of a person in accordance with the provisions of chapter 209 of title 18, United States Code, (including section 3181(b) of such title) and such terms include those as those terms are defined in Article 102 of the Rome Statute.

(6) INTERNATIONAL CRIMINAL COURT.—The term “International Criminal Court” means the international Tribunal established by the Rome Statute.

(7) MAJOR NON-NATO ALLY.—The term “major non-NATO ally” means a country that has been so designated in accordance with section 317 of the Foreign Assistance Act of 1961.

(8) PARTICIPATE IN ANY PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS.—The term “participate in any peacekeeping operation under chapter VI of the Charter of the United Nations” means to be a party to the peacekeeping operation, as defined in the Rome Statute.

(9) PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS.—The term “peacekeeping operation under chapter VI of the Charter of the United Nations” includes both peacekeeping and peace enforcement operations.

(10) PEACEKEEPING OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term “peacekeeping operation under chapter VII of the Charter of the United Nations” includes both peacekeeping and peace enforcement operations.


(12) SUPPORT.—The term “support” means assistance of any kind, including financial support, transfer of property or other material support, a training program, or military or civilian intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(13) UNITED STATES MILITARY ASSISTANCE.—The term “United States military assistance” means—

(A) assistance provided under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees, under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

SEC. 3014. ASSISTANCE TO INTERNATIONAL FORCES.

The Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117) is amended by striking section 8173.

SEC. 3015. ASSISTANCE TO INTERNATIONAL AUTHORITIES.

Nothing in this title shall prohibit the United States from rendering assistance to international authorities except where expressly prohibited by treaty or statute.

(A) The term "intensive training" or "combat training" means training under the authority of national or international laws or regulations.

(B) The term "security assistance" means United States military assistance.

(C) The term "funding" means the appropriation, obligation, or expenditure of funds.

(D) The term "security assistance agreement" means an agreement, executed by the United States and another country, which establishes the terms and conditions for the provision of security assistance.

(E) The term "security assistance program" means a plan or effort to provide security assistance.

(F) The term "security assistance project" means a specific project or activity within a security assistance program.

(G) The term "security assistance training" means training provided by the United States to another country.

(H) The term "security assistance equipment" means military equipment provided by the United States to another country.

(I) The term "security assistance supplies" means non-military supplies provided by the United States to another country.

(J) The term "security assistance services" means services provided by the United States to another country.

(K) The term "security assistance personnel" means personnel provided by the United States to another country.

(L) The term "security assistance planning" means the planning and coordination of security assistance.

(M) The term "security assistance implementation" means the execution of security assistance.

(N) The term "security assistance evaluation" means the assessment of security assistance.

(O) The term "security assistance monitoring" means the monitoring of security assistance.

(P) The term "security assistance reporting" means the reporting on security assistance.

(Q) The term "security assistance coordination" means the coordination of security assistance.

(R) The term "security assistance consultation" means the consultation on security assistance.

(S) The term "security assistance management" means the management of security assistance.

(T) The term "security assistance strategy" means the strategy for providing security assistance.

(U) The term "security assistance policy" means the policy for providing security assistance.

(V) The term "security assistance legislation" means the legislation for providing security assistance.

(W) The term "security assistance regulation" means the regulation for providing security assistance.

(X) The term "security assistance guidance" means the guidance for providing security assistance.

(Y) The term "security assistance standard" means the standard for providing security assistance.

(Z) The term "security assistance procedure" means the procedure for providing security assistance.

(AA) The term "security assistance element" means an element of security assistance.

(BB) The term "security assistance component" means a component of security assistance.

(CC) The term "security assistance module" means a module of security assistance.

-DD) The term "security assistance objective" means an objective of security assistance.

-EE) The term "security assistance goal" means a goal of security assistance.

-FF) The term "security assistance target" means a target of security assistance.

-GG) The term "security assistance indicator" means an indicator of security assistance.

-HH) The term "security assistance metric" means a metric of security assistance.

-II) The term "security assistance criterion" means a criterion of security assistance.

-JJ) The term "security assistance outcome" means an outcome of security assistance.

-KK) The term "security assistance result" means a result of security assistance.

-LL) The term "security assistance benefit" means a benefit of security assistance.

-MM) The term "security assistance utility" means the utility of security assistance.

-NN) The term "security assistance efficiency" means the efficiency of security assistance.

-OO) The term "security assistance effectiveness" means the effectiveness of security assistance.

-PP) The term "security assistance efficiency" means the efficiency of security assistance.

-QQ) The term "security assistance effectiveness" means the effectiveness of security assistance.

-RR) The term "security assistance efficiency" means the efficiency of security assistance.

-SS) The term "security assistance effectiveness" means the effectiveness of security assistance.

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-SS) The term "security assistance effectiveness" means the effectiveness of security assistance.

-RR) The term "security assistance efficiency" means the efficiency of security assistance.

-SS) The term "security assistance effectiveness" means the effectiveness of security assistance.
(12) As long as the Federal Government continues to own large tracts of land within the State of Alaska, it should permit access across these lands to connect isolated communities, it is in the best interest of the Postal Service, the residents of Alaska and the United States.

(A) The Intra-Alaska Bypass Mail system remains strong, viable, and affordable for the Postal Service.

(B) This service moves toward safer, more secure, and more reliable air transportation under the Federal Aviation Administration’s guidelines and in accordance with part 121 of title 14, Code of Federal Regulations, where such operations are supported by the needs of the community; and

(C) Congress, pursuant to the authority granted in the United States Constitution to establish Post Offices and post roads, makes changes to ensure that the Intra-Alaska Bypass Mail system continues to be used by a mainline passenger carrier providing scheduled service and nonmail freight service and to reduce costs for the Postal Service.

(b) SELECTION OF CARRIERS OF NONPRIORITY BYPASS MAIL TO CERTAIN POINTS IN ALASKA.—

(1) DEFINITIONS.—Section 3402 of title 39, United States Code, is amended—

(A) by striking subsection (e);

(B) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively; and

(C) by inserting before subsection (b), as redesignated, the following:

"(a) In this section—

(1) the term 'acceptance point' means the point at which nonpriority bypass mail originates;

(2) the terms 'air carrier', 'interstate air transportation', and 'foreign air transportation' have the meanings given such terms in section 40102(a) of title 49, U.S.C.;

(3) the term 'base fare' is the fare paid to the carrier issuing the passenger ticket for the common nonmail freight which may entail service being provided by more than 1 carrier;

(4) the term 'bush carrier' means a carrier operating an aircraft certificated within the payload capacity requirements of subsection (g)(1)(D)(ii) on a city pair route;

(5) the term 'bush passenger carrier' means a passenger service provided under part 135 and meets the requirements of subsection (g)(1)(D)(ii) and provides passenger service on a city pair route;

(6) the term 'bush route' means an air route in which only a bush carrier is tendered nonpriority bypass mail through scheduled service within the State of Alaska;

(7) the term 'city pair' means service between an origin and destination city pair;

(8) the term 'composite rate' means a combination and rate paid to a bush carrier for a direct flight from an acceptance point to a hub or destination city pair.

(9) 'equitable tender' means the practice of the Postal Service of equitably distributing mail on a fair and reasonable basis between the two categories that offer equitably tendered mail services and costs between 2 communities in accordance with the regulations of the Postal Service;

(10) 'existing mainline carrier' means a mainline carrier (as defined in this section) that on January 1, 2001, was—

(1) certified under part 121;

(2) qualified to provide mainline nonpriority bypass mail service; and

(3) actually engaged in the carriage of mainline nonpriority bypass mail through scheduled service within the State of Alaska;

(11) the term 'ferry service' means the transport of cargo that otherwise cannot be carried on a qualified passenger aircraft because of—

(1) size or weight restrictions imposed on the aircraft or class of service; or

(2) prohibitions on the carriage of passengers and hazardous materials on the same flight;

(12) the term 'mainline carrier' means a carrier operating aircraft under part 121 and certificated within the payload capacity requirements of subsection (g)(1)(D)(ii) on a given city pair route;

(13) the term 'mainline route' means a city pair in which a mainline carrier is tendered nonpriority bypass mail;

(14) the term 'new', when referencing a carrier, means a carrier that—

(1) meets the respective requirements of subsection (a) for bush routes under part 135; and

(2) has the meanings given such terms in section 5402 of title 39, United States Code, is amended—

(A) in the matter preceding subparagraph (A),—

(7) the term "bush carrier" means a carrier providing the service on a route between an acceptance point and a hub point described in this section between qualified passenger and nonmail freight carriers the opportunity to receive equitable tenders;

(8) the term "bush route" means a route from an acceptance point to a hub point to a destination city if the city pair is also being served by a mainline carrier and—

(i) for a passenger carrier—

(B) certified under part 121;

(B) qualified to provide mainline nonpriority bypass mail service; and

(C) actually engaged in the carriage of mainline nonpriority bypass mail through scheduled service within the State of Alaska;

(ii) the term 'freight service' means the transport of cargo that otherwise cannot be carried on a qualified passenger aircraft because of—

(A) size or weight restrictions imposed on the aircraft or class of service; or

(B) prohibitions on the carriage of passengers and hazardous materials on the same flight;

(iii) the term 'mainline carrier' means a carrier operating aircraft under part 121 and certificated within the payload capacity requirements of subsection (g)(1)(D)(ii) on a given city pair route;

(iv) the term 'mainline route' means a city pair in which a mainline carrier is tendered nonpriority bypass mail;

(v) the term 'new', when referencing a carrier, means a carrier that—

(A) certified under part 121;

(B) qualified to provide mainline nonpriority bypass mail service; and

(C) actually engaged in the carriage of mainline nonpriority bypass mail through scheduled service within the State of Alaska;

(vi) the term 'ferry service' means the transport of cargo that otherwise cannot be carried on a qualified passenger aircraft because of—

(A) size or weight restrictions imposed on the aircraft or class of service; or

(B) prohibitions on the carriage of passengers and hazardous materials on the same flight;

(vii) the term 'mainline carrier' means a carrier operating aircraft under part 121 and certificated within the payload capacity requirements of subsection (g)(1)(D)(ii) on a given city pair route;

(viii) the term 'mainline route' means a city pair in which a mainline carrier is tendered nonpriority bypass mail;

(ix) the term 'new', when referencing a carrier, means a carrier that—

(A) certified under part 121;

(B) qualified to provide mainline nonpriority bypass mail service; and

(C) actually engaged in the carriage of mainline nonpriority bypass mail through scheduled service within the State of Alaska;

(x) the term 'service' means the transport of cargo that otherwise cannot be carried on a qualified passenger aircraft because of—

(A) size or weight restrictions imposed on the aircraft or class of service; or

(B) prohibitions on the carriage of passengers and hazardous materials on the same flight;

(xi) the term 'mainline carrier' means a carrier operating aircraft under part 121 and certificated within the payload capacity requirements of subsection (g)(1)(D)(ii) on a given city pair route;

(xii) the term 'mainline route' means a city pair in which a mainline carrier is tendered nonpriority bypass mail;

(xiii) the term 'new', when referencing a carrier, means a carrier that—

(A) certified under part 121;

(B) qualified to provide mainline nonpriority bypass mail service; and

(C) actually engaged in the carriage of mainline nonpriority bypass mail through scheduled service within the State of Alaska;

(C) flights depart whether full or not; and

(D) customers contract for carriage separately on a regular basis;

(2) the term 'Secretary' means the Secretary of Transportation;

(3) the term '121 bush passenger carrier' means a bush passenger carrier providing passenger service on bush routes under part 121;

(4) the term '121 mainline passenger carrier' means a mainline carrier providing passenger service through scheduled service on routes under part 121;

(5) the term '121 passenger aircraft' means an aircraft certificated under part 121;

(6) the term '135 passenger carrier' means a carrier operating an aircraft certificated under part 135 and meets the requirements of subsection (g)(1)(D)(ii) and provides passenger service on a city pair route;

(7) the term '135 passenger carrier' means a passenger carrier providing service on a route between an acceptance point and a hub point described in this section between qualified passenger and nonmail freight carriers the opportunity to receive equitable tenders; and

(F) (i) the term '135 passenger carrier' means a carrier providing service on a route between an acceptance point and a hub point described in this section between qualified passenger and nonmail freight carriers the opportunity to receive equitable tenders of nonpriority bypass mail at mainline service rates from a hub point to a destination city if the city pair is also being served by a mainline carrier and—

(ii) the term 'acceptance point' means the point at which nonpriority bypass mail originates;

(iii) the term 'air carrier', 'interstate air transportation', and 'foreign air transportation' have the meanings given such terms in section 40102(a) of title 49, U.S.C.;

(iv) the term 'base fare' is the fare paid to the carrier issuing the passenger ticket for the common nonmail freight which may entail service being provided by more than 1 carrier;

(v) the term 'bush carrier' means a carrier operating an aircraft certificated within the payload capacity requirements of subsection (g)(1)(D)(ii) on a city pair route;

(vi) the term 'bush passenger carrier' means a passenger service provided under part 135 and meets the requirements of subsection (g)(1)(D)(ii) and provides passenger service on a city pair route;

(vii) the term 'bush route' means an air route in which only a bush carrier is tendered nonpriority bypass mail through scheduled service within the State of Alaska;

(viii) the term 'city pair' means service between an origin and destination city pair;

(ix) the term 'composite rate' means a combination and rate paid to a bush carrier for a direct flight from an acceptance point to a hub or destination city pair.

(x) the term 'equitable tender' means the practice of the Postal Service of equitably distributing mail on a fair and reasonable basis between the two categories that offer equitably tendered mail services and costs between 2 communities in accordance with the regulations of the Postal Service;

(xi) the term 'existing mainline carrier' means a mainline carrier (as defined in this section) that on January 1, 2001, was—

(1) certified under part 121;

(2) qualified to provide mainline nonpriority bypass mail service; and

(3) actually engaged in the carriage of mainline nonpriority bypass mail through scheduled service within the State of Alaska;

(xii) the term 'ferry service' means the transport of cargo that otherwise cannot be carried on a qualified passenger aircraft because of—

(A) size or weight restrictions imposed on the aircraft or class of service; or

(B) prohibitions on the carriage of passengers and hazardous materials on the same flight;

(xiii) the term 'mainline carrier' means a carrier operating aircraft under part 121 and certificated within the payload capacity requirements of subsection (g)(1)(D)(ii) on a given city pair route;

(xiv) the term 'mainline route' means a city pair in which a mainline carrier is tendered nonpriority bypass mail;

(xv) the term 'new', when referencing a carrier, means a carrier that—

(A) certified under part 121;

(B) qualified to provide mainline nonpriority bypass mail service; and

(C) actually engaged in the carriage of mainline nonpriority bypass mail through scheduled service within the State of Alaska;
the passenger service on the city pair route for the 12 months immediately preceding the date on which the carrier seeks tender of such mail; or

(II) a nonmainline freight carrier, the carrier receiving mail service under subparagraph (A) provided at least 25 percent of the nonmail freight service for the 12 months immediately preceding the date on which the carrier seeks tender of such mail; and

(III) an existing nonmainline passenger carrier or a nonmainline freight carrier at a composite rate on such city pair route on January 1, 2000.

(II) the hub being bypassed was not served by a mainline carrier on January 1, 2000.

The tender of nonpriority bypass mail under subparagraph (A) shall be on an equitable basis between the Postal Service and any carriers that provide the direct service on the city pair route and the qualified carriers that provide service between the hub point and a hub point in the State of Alaska.

(III) the Postal Service may select a carrier other than an existing mainline carrier to provide nonpriority bypass mail service on a mainline route in the State of Alaska if—

(1) the Postal Service determines (in accordance with criteria established in advance by the Postal Service) that the mail service between the acceptor point and the hub point is deficient and provides written notice of the determination to the existing mainline carriers to the hub point; and

(2) for the 30-day period following issuance of notice under clause (i), including notice of inadequate capacity, the Postal Service determines that deficiencies in service to the hub point have not been eliminated.

(4) Selection of Carriers to Bush Points—

(4)(A) Except as provided under subparagraph (B) and paragraph (5), the Postal Service shall select only existing mainline carriers to provide nonpriority bypass mail service between an acceptor point and a hub point in the State of Alaska.

(B) The Postal Service shall offer equitable tender of nonpriority bypass mail service on a mainline route in the State of Alaska if—

(i) the Postal Service determines that deficiencies in service to the hub point have not been eliminated.

(ii) the Postal Service determines that efficiencies in service to the hub point have not been eliminated.

(5) Selection of Carriers to Bush Points—

(5)(A) The Postal Service shall offer equitable tender of nonpriority bypass mail to a new 121 mainline passenger carrier entering a mainline route in the State of Alaska, if that carrier—

(i) meets the requirements of subsection (g)(1)(D)(ii); and

(ii) after the 30-day period following issuance of notice under clause (i), including notice of inadequate capacity, the Postal Service determines that deficiencies in service to the hub point have not been eliminated.

(5)(B) A new 121 mainline passenger carrier that is tendered nonpriority mainline bypass mail under subparagraph (A)—

(i) shall be eligible for equitable tender of such mail on the city pair route on which the carrier meets the conditions of subparagraph (A); and

(ii) may not count the passenger service provided under subparagraph (A) toward the carrier meeting the minimum requirements of this section; and

(5)(C) Notwithstanding paragraphs (1)(B) and (5)(A), a new 121 mainline passenger carrier, otherwise qualified under this subsection, may immediately thereafter become eligible for tendering nonpriority mainline bypass mail to a hub point if it meets the requirements of subsections (g)(1)(A), (C), and (D) and (h)(2)(B) and—

(i) if all qualified 121 mainline passenger carriers discontinue service on that city pair route; or

(ii) no 121 mainline passenger carrier serves that city pair route.

(D) A carrier operating under a code share agreement on the date of enactment of the Rural Service Improvement Act of 2002 that received tender of nonpriority mainline bypass mail on a city pair route may count the passenger service provided under the entire code share agreement under paragraph (1) to the passenger carrier or aircraft serving under the agreement if such agreement terminates. That carrier shall continue to provide at least 20 percent of the passenger service (as determined for bush passenger carriers in subparagraph (B)(i) for operations under part 121, operate aircraft type certificated to carry at least 3 passengers; or for operations under part 135, operate aircraft type certificated to carry at least 5 passengers, or

(B) for operations under part 135, operate aircraft type certificated to carry at least 5 passengers; or

(C) insure all available passenger seats on the city pair route on which the carrier seeks tender of such mail; and

(D) operate flights under its published schedule.

(3)(A) Except as provided under subparagraph (E), if a 135 passenger carrier serves a city pair route and meets the requirements of paragraph (1) or (2) when a 121 passenger carrier becomes qualified to be tendered nonpriority mainline bypass mail on such route with a 121 passenger aircraft in accordance with paragraphs (1) and (2), the 135 passenger carrier may be subject to penalties described in subsection (h).

(3)(B) If only 1 passenger carrier or aircraft qualifies for tender of nonpriority mainline bypass mail to a 135 passenger carrier or aircraft operating on a city pair route, the Postal Service shall tender 20 percent of passenger service provided under paragraph (1) to the passenger carrier or aircraft providing the next highest level of passenger service on such route.

(4) Qualification for the Tender of Mail under Subparagraph (A)—

(4)(A) Notwithstanding subsection (g)(1)(B), a bush passenger carrier providing interisland passenger service as described under subparagraph (A), a bush passenger carrier providing interisland passenger service as described under subparagraph (A), a 135 passenger carrier providing service on a city pair route and a 121 passenger aircraft certificated to carry at least 5 passengers serving on that route, shall be eligible for equitable tender of nonpriority bypass mail on that route, that 135 passenger carrier shall convert to operations under part 121 within 12 months of the 121 passenger carrier being tendered nonpriority bypass mail. The Postal Service shall not continue the tender of nonpriority bypass mail to a 135 passenger carrier that fails to convert to part 121 operations. In this section, if only 1 121 passenger carrier is qualified to be tendered nonpriority bypass mail as a passenger carrier or aircraft on a city pair route, the Postal Service shall tender 20 percent of the nonpriority mail to a 135 passenger carrier or aircraft providing the next highest level of passenger service on such route.

(5) Selection of Carriers to Bush Points—

(5)(A) The Postal Service shall calculate the percent of passenger service provided by a carrier on a city pair route by calculating the lesser of

(1) the amount of the passenger excise tax paid by or on behalf of a carrier, as determined by reviewing the collected amount of base fares for passengers actually flown by a carrier from the origination point to the destination point, divided by the value of the total passenger excise taxes, as determined by reviewing the collected amount of base fares paid by or on behalf of all passenger carriers serving the route from the hub point to the bus destination point; or

(2) the amount of half of the passenger excise tax paid by or on behalf of a carrier, as determined by reviewing the collected amount of base fares paid by or on behalf of all passenger carriers serving the route from the hub point to the bus destination point, divided by the value of the total passenger excise taxes, as determined by reviewing the collected amount of base fares paid by or on behalf of all passenger carriers serving the route from the hub point to the bus destination point.

(B) For the purposes of calculating passenger service as described under subparagraph (A), a bush passenger carrier providing interisland passenger service as described under subparagraph (A), a bush passenger carrier providing interisland passenger service as described under subparagraph (A), a bush passenger carrier providing interisland passenger service as described under subparagraph (A), a 135 passenger carrier providing service on a city pair route and a 121 passenger aircraft certificated to carry at least 5 passengers serving on that route, shall begin the process of conversion not later than 4 years after the 121 passenger aircraft begins carrying nonpriority bypass mail on that route.

(6) Exceptions—

(6)(A) Notwithstanding subsection (g)(1)(B), a 135 passenger carrier providing service on a city pair route and a 121 passenger aircraft certificated to carry at least 5 passengers serving on that route, shall be eligible for equitable tender of nonpriority bypass mail on that route.

(6)(B) For the purposes of calculating passenger service as described under subparagraph (A), a bush passenger carrier providing interisland passenger service as described under subparagraph (A), a bush passenger carrier providing interisland passenger service as described under subparagraph (A), a bush passenger carrier providing interisland passenger service as described under subparagraph (A), a 135 passenger carrier providing service on a city pair route and a 121 passenger aircraft certificated to carry at least 5 passengers serving on that route, shall be eligible for equitable tender of nonpriority bypass mail on that route.
(a) The Secretary shall establish new bush routes for operation by nonmail freight carriers or other costs associated with passenger service.

(b) In order to assure sufficient, reliable, and timely traffic data to meet the requirements of this subsection, the Secretary shall require—

(A) the monthly submission of the bush carrier’s data on T-100 diskettes, or any other suitable form of data collection, as determined by the Secretary; and

(B) the carriers to retain all books, records, and other source and summary documentation to support their reports and to preserve and maintain such documentation in a manner that readily permits the audit and examination by representatives of the Postal Service or the Secretary.

(c) Documentation under paragraph (2) shall be retained for 7 years or until the Secretary deems them no longer necessary. Copies of flight logs for aircraft sold or disposed of shall be retained.

(d) Carriers qualified to tender nonpriority bypass mail shall report to the Secretary the number of aircraft in the carrier’s fleet, the level of passenger insurance covering its fleet, and the name of the insurance company providing such insurance.

(e) No qualified carrier may be tendered nonpriority bypass mail under subsections (h) and (i) simultaneously on a route unless no other carrier is tendered mail under either subsection.

(f) Carriers qualifying for tender under subsections (h) and (i) simultaneously shall be tendered nonpriority bypass mail under subsection (h).

(g) A carrier shall be tendered nonpriority bypass mail under subsection (h) if that carrier—

(B) becomes unqualified under subsection (h) but remains qualified under subsection (i). A carrier operating out of a merger or acquisition between any 2 carriers operating between points in Alaska shall have the passenger and nonmail freight of all such merged or acquired carriers on the applicable route counted toward meeting the resulting carrier’s minimum requirements to receive tendered nonpriority bypass mail on such route for the 12-month period following the merger or acquisition.

(h) After the 12-month period described under paragraph (1), the carrier resulting from the merger or acquisition must meet the carrier’s minimum requirements to operate under the respective new or acquired company that is operating under the respective new or acquired company.

(i) In addition to any penalties applied to a carrier by the Federal Aviation Administration or the Secretary, any carrier that significantly misstates passenger or nonmail freight data required to be reported under this section on any route, in an attempt to qualify for tender of nonpriority bypass mail, shall not have the number of aircraft in its main hub or such designation as its main hub and once such designation is transmitted to the Postal Service it may not be changed. Such selection and transmission must be transmitted to the Department of the Treasury and the Secretary the excise taxes paid by city pair. The number of aircraft in the carrier’s fleet, the name of the insurance company providing such insurance.

(j)(1) No qualified carrier may be tendered nonpriority bypass mail under subsections (j) and (l) simultaneously.

(k) Qualification for the tender of mail under subsection (h) or (i) shall be maintained by the Secretary on the basis of the nonmail freight service on the city pair route as calculated from data provided pursuant to subsection (k), by dividing the revenue of, or weight of, or by the total amount of revenue earned, or the weight of, nonmail freight carried (as determined by the Postal Service) by all carriers from the transport of nonmail freight from an origination point to a destination point, by the total amount of revenue earned, or the weight of, nonmail freight carried (as determined by the Postal Service) by all carriers from the transport of nonmail freight from the origination point to the destination point. Any carrier purposefully falsifying data or significantly mistating market share in an attempt to qualify for tender of nonpriority bypass mail may be subject to penalties described in subsection (o).

(l) The percentage rate in paragraph (1) shall be 25 percent 3 years and 3 months after the date of enactment of the Rural Service Improvement Act of 2002.

(m)(1) Except as provided by paragraph (3), there shall be equitable tender of 10 percent of the nonpriority bypass mail to all carriers on each city pair route that meets the minimum qualifications necessary to be tendered nonpriority bypass mail under this subsection with respect to a city pair route, the 10 percent of nonpriority bypass mail allocated under paragraph (1) shall be divided evenly between the pools described under subsection (h) and (i) to be equitably tendered among qualified carriers under such subsections, such that—

(A) the amount of nonpriority bypass mail allocated for qualified carriers under subsection (h) shall be 75 percent; and

(B) the amount of nonpriority bypass mail allocated for tender among qualified carriers under subsection (i) shall be 25 percent.

(2) If no carrier qualifies under this subsection with respect to a city pair route, the percentage rate under paragraph (1) shall remain 10 percent for equitable tender for nonpriority bypass mail on such route to those carriers on the applicable 12 routes or the applicable 12 routes or the applicable 12 routes of the carrier designated under subparagraph (C), if the carrier seeking the tender of such mail—

(i) meets the requirements of subparagraph (g)(1); or

(ii) is not qualified under subsection (h) or (i); or

(iii) operates routes originating from the main hub of the carrier designated under paragraph (4) and (5); or

(iv) has in excess at least $900,000 in a physical hangar facility prior to January 1, 2002 in such a hub city.

(C) For purposes of subparagraph (B), a carrier may designate its main hub and once such designation is transmitted to the Postal Service it may not be changed. Such selection and transmission must be transmitted to the Department of the Treasury and the Secretary the excise taxes paid by city pair. The number of aircraft in the carrier’s fleet, the name of the insurance company providing such insurance.

(3) In determining such rates, the Secretary shall take into account the cost of passenger insurance rates or premiums paid by the passenger and nonmail freight of all such merged or acquired carriers on the applicable route counted toward meeting the resulting carrier’s minimum requirements to receive tendered nonpriority bypass mail on such route for the 12-month period following the merger or acquisition.

(D) No qualified carrier may be tendered nonpriority bypass mail under subsections (j) and (l) simultaneously.

(E) No qualified carrier may be tendered nonpriority bypass mail under subsections (h) and (i) simultaneously.

(F) Carriers qualifying for tender under subsections (h) and (i) simultaneously shall be tendered nonpriority bypass mail under subsection (h).

(G) A carrier shall be tendered nonpriority bypass mail under subsection (h) if that carrier—

(B) becomes unqualified under subsection (h) but remains qualified under subsection (i). A carrier operating out of a merger or acquisition between any 2 carriers operating between points in Alaska shall have the passenger and nonmail freight of all such merged or acquired carriers on the applicable route counted toward meeting the resulting carrier’s minimum requirements to receive tendered nonpriority bypass mail on such route for the 12-month period following the merger or acquisition.

(H) After the 12-month period described under paragraph (1), the carrier resulting from the merger or acquisition must meet the carrier’s minimum requirements to operate under the respective new or acquired company that is operating under the respective new or acquired company.

(I) In addition to any penalties applied to a carrier by the Federal Aviation Administration or the Secretary, any carrier that significantly misstates passenger or nonmail freight data required to be reported under this section on any route, in an attempt to qualify for tender of nonpriority bypass mail, shall not have the number of aircraft in its main hub or such designation as its main hub and once such designation is transmitted to the Postal Service it may not be changed. Such selection and transmission must be transmitted to the Department of the Treasury and the Secretary the excise taxes paid by city pair. The number of aircraft in the carrier’s fleet, the name of the insurance company providing such insurance.

(J) The percentage rate in paragraph (1) shall be 25 percent 3 years and 3 months after the date of enactment of the Rural Service Improvement Act of 2002.

(K) The percentage rate in paragraph (1) shall be 25 percent 3 years and 3 months after the date of enactment of the Rural Service Improvement Act of 2002.

(L) No qualified carrier may be tendered nonpriority bypass mail under subsections (j) and (l) simultaneously.

(M) In order to assure sufficient, reliable, and timely traffic data to meet the requirements of this subsection, the Secretary shall require—

(A) the monthly submission of the bush carrier’s data on T-100 diskettes, or any other suitable form of data collection, as determined by the Secretary; and

(B) the carriers to retain all books, records, and other source and summary documentation to support their reports and to preserve and maintain such documentation in a manner that readily permits the audit and examination by representatives of the Postal Service or the Secretary.

(N) Documentation under paragraph (2) shall be retained for 7 years or until the Secretary deems them no longer necessary. Copies of flight logs for aircraft sold or disposed of shall be retained.

(O) Carriers qualified to tender nonpriority bypass mail shall report to the Secretary the excise taxes paid by city pair to the Department of the Treasury and the Secretary the excise taxes paid by city pair. The number of aircraft in the carrier’s fleet, the name of the insurance company providing such insurance.

(P) No qualified carrier may be tendered nonpriority bypass mail under subsections (j) and (l) simultaneously.

(Q) Carriers qualifying for tender under subsections (h) and (i) simultaneously shall be tendered nonpriority bypass mail under subsection (h).

(R) A carrier shall be tendered nonpriority bypass mail under subsection (h) if that carrier—

(B) becomes unqualified under subsection (h) but remains qualified under subsection (i). A carrier operating out of a merger or acquisition between any 2 carriers operating between points in Alaska shall have the passenger and nonmail freight of all such merged or acquired carriers on the applicable route counted toward meeting the resulting carrier’s minimum requirements to receive tendered nonpriority bypass mail on such route for the 12-month period following the merger or acquisition.

(S) After the 12-month period described under paragraph (1), the carrier resulting from the merger or acquisition must meet the carrier’s minimum requirements to operate under the respective new or acquired company that is operating under the respective new or acquired company.
(a) A 1-year suspension of tender of all nonpriority bypass mail in the entire State of Alaska for the third offense in the State; and
(b) A permanent suspension of tender of all nonpriority bypass mail in the entire State of Alaska for the fourth offense in the State.

(pq) The Postal Service or the Secretary, in carrying out subsection (g)(2), (h), or (i), may deny or cancel the otherwise qualified carrier who does not operate under this section in good faith or under the intent of the 'Rural Service Improvement Act of 2002'.

(2) Except for written contracts authorized pursuant to the 'Postal Service Act of 1970', the Postal Service or the Secretary may waive any provision of subsection (h) or (i), if the carrier provides substantial passenger or nonmail freight service on the route where the carrier seeks tender of nonpriority mail and nonpriority bypass mail.

(3) To ensure adequate competition among passenger and nonmail freight carriers on a mainline route the Postal Service or the Secretary may waive the requirements of subsection (g) and subsection (h) of this section before being tendered mail on the route.

(A) A 121 bush passenger carrier seeking tender of nonpriority mail or nonpriority bypass mail on a mainline route not served by a 121 Mainline passenger carrier and the 121 Bush passenger carrier provides substantial passenger or nonmail freight service on the route; or
(B) A carrier satisfying the requirements of subsections (g)(1)(D), (E), (F), (G), and (H) of this section.

Waivers granted under this paragraph shall cease to be valid once a qualified mainline carrier begins providing service and seeks tender of nonpriority bypass mail in accordance with this section on the city pair route. The receipt of waivers and subsequent operation of service on a city pair route under this subsection shall not be counted toward meeting the requirements of any part of this section for any other city pair route.

(C) The amount of nonpriority bypass mail and nonmail freight service on the city pair route.

(D) The number of days the permit is valid.

(E) The savings to the Postal Service in terms of payments made to carriers.

(F) The amount or level of passenger service already available to the destination.

(G) The amount of nonmail freight service already available to the destination.

(H) The savings to the Postal Service in terms of payments made to carriers.

(I) The amount or level of passenger service already available to the destination.

(J) The number of days the permit is valid.

(3) A 1-year suspension of tender of all nonpriority bypass mail to such carrier.

(c) Technical and Conforming Amendments—

(1) Title 39—Section 5402 of title 39, United States Code, is amended—

(A) in subsections (a) through (e) by redesignating subsection (d) and (e) as subsections (e) and (f), respectively,

(B) by striking "Secretary of Transportation" each place it appears and inserting "Secretary"; and

(C) by striking subsection (f)

(D) by striking subsections (a), (b), and (c) and inserting "sections (b), (c), and (d)"); and

(E) by striking "subsection (d)" and inserting "subsection (e)".

(2) Title 49—Section 41901 of title 49, United States Code, is amended in subsection (a), by striking "5402(d)" and inserting "5402(e)".

(3) Reports—Not later than 12 months after the date of enactment of this Act, the Postal Service and the Secretary of Transportation shall submit a report to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate on the progress of implementing this title.

(d) Effective Dates—

(1) (A) in general—Except as provided under paragraph (2), this title (including the amendments made by this title) shall take effect on the date of enactment of this Act.

(B) Selection of Carriers—Subsection (c)(5) shall take effect 15 months after the date of enactment of this Act.

This Act may be cited as the "2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States"

ORDER OF BUSINESS

Mr. DASCHLE. Madam President, I will have more to say about the so-called hate crimes legislation tomorrow.

This is a very important cloture vote we are having tomorrow. I am disappointed that we have not had more opportunities to debate amendments. This bill has been pending, yet no one has come forward to offer amendments.

It makes my point as we file cloture. We indicated a concern for the reports that had been shared with us that some of our colleagues wished to offer—I think the phrase was—"hundreds of amendments" to the hate crimes bill. We are working under very tight time constraints.

It is my belief that we ought to have an opportunity to offer amendments, to have the debate on the amendments, to bring those amendments to closure, and then have a vote on the hate crimes bill. I have heard colleagues in the Chamber on the other side of the aisle say this has never happened before. If it has not been submitted, tomorrow we will submit for the RECORD an 80-page list of time that Republican colleagues did exactly what we did. I think it was 34 times—34 times the bill was offered, and cloture was filed immediately. I do not know how many of those times the Republican leader—the majority leader at that time—chose to fill the parliamentary tree as well, denying and precluding Democrats and others from offering amendments to the bill. This is by far not the first time.

I announced at the very beginning of my tenure as majority leader that I would never fill the tree to preclude amendments. And I am going to hold to that promise. But there are times when in order to move legislation along, filling the tree is the right thing to do. I intend to do that again this afternoon. It is unfortunate. But we are going to have to increase the debt limit. The administration has made its case publicly. They have talked to me privately on numerous occasions about the importance of increasing the debt limit.

We can go into all the reasons it is necessary. But in an effort not to at least now politicize the issue, I think it is important for us to get the job done. It is the responsible thing to do. It is the right thing to do. It is the responsible thing to do. It is the right thing to do. It is the responsible thing to do.

I announced at the very beginning of this debate, and I am going to increase the debt limit and send it to the House as quickly as possible because time is running out. We are told that we only have a couple of weeks. We have to address this issue in that period of time.

If we fail cloture tomorrow on hate crimes, it will be my intention to move as quickly as possible to the debt limit legislation. That will require procedural cooperation. I am hopeful that we can get procedural cooperation. The Republican leader and I talked today. It would be my hope to get a unanimous agreement to take it up. Failing that, of course, we would then have to go through the motion to proceed, and then the bill itself.

INCREASING THE PUBLIC DEBT LIMIT—MOTION TO PROCEED

Mr. DASCHLE. Madam President, in an effort to anticipate whatever may come with regard to consideration of the debt limit legislation, I now move to proceed to Calendar No. 407, S. 2578, the debt limit increase and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move
to bring to a close the debate on the motion to proceed to calendar No. 407, S. 2578, a bill to amend title 31 of the U.S. Code to increase the public debt limit:

Harry Reid, Jack Reed, John Rockefeller, Daniel Inouye, Jon Corzine, Herb Kohl, Zell Miller, Max Cleland, John Breaux, Richard Durbin, Max Baucus, Barbara Boxer, Maria Cantwell, Daniel Akaka, Edward Kennedy and Tom Daschle.

Mr. DASCHLE. Madam President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. DASCHLE. Madam President, I ask unanimous consent that S. 2076 be star printed with the changes at the desk.

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

ORDER TO PRINT DISPLAY IN SENATE CHAMBER LOBBY OF INFORMATION REGARDING THE CONSTRUCTION OF THE CAPITOL VISITOR CENTER

Mr. DASCHLE. Madam President, I ask unanimous consent that the Secretary of the Senate be permitted to display, in the Senate Chamber Lobby, information regarding the construction of the Capitol Visitor Center, and that such display and persons designated by the Secretary to answer questions about the display be permitted in the lobby on June 11, 2002, from the hours of 2:15 to 3:30 p.m.

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

ORDERS FOR TUESDAY, JUNE 11, 2002

Mr. DASCHLE. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Tuesday, June 11; 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 of morning business until 10:45 a.m., with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Republican leader or his designee; that at 10:45 a.m., the Senate resume consideration of S. 625, with 60 minutes of debate prior to the vote on cloture on the hate crimes legislation; further, that Senators have until 10:45 a.m. to file second-degree amendments to the hate crimes legislation; that the live quorum with respect to the cloture motion filed earlier today be waived, and that the Senate recess from 12:30 p.m. to 2:15 p.m. for the weekly party conferences.

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

PROGRAM

Mr. DASCHLE. Madam President, the Senate will vote on cloture on the hate crimes legislation, therefore, at approximately 11:45 a.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DASCHLE. Madam President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment until Tuesday, June 11, 2002, at 9:30 a.m.
Mrs. MALONEY of New York. Mr. Speaker, I would like to pay tribute to Anne Emerman, a dedicated community activist who will be honored by Community Board Six in Manhattan. Ms. Emerman, a former Board Member of the New York City Council’s first Community Board Six, is a knowledgeable, committed and effective advocate who was a constructive and energetic member of the Community Board.

A native of New York City, Anne Emerman attended Hunter College, where she graduated in 1962. She then pursued a Master’s Degree at Columbia University where she graduated from the School of Social Work in 1964. Upon graduation she began working as a Psychiatric Social Worker and Supervisor at Bellevue Hospital, where she remained until 1972.

Her work with the mentally disabled led Ms. Emerman to begin advocating extensively and passionately on behalf of the disabled community. She has organized and participated in numerous demonstrations to raise visibility on this important issue. As a member of Disabled Action, she has worked with various government officials to urge the passage of civil rights laws to protect persons with disabilities. She has also been a key figure in a number of class action lawsuits intended to influence case law affecting disabled Americans. Her overwhelming commitment to this issue led to her being named Director of the Mayor’s Office of People with Disabilities, where she served from 1990–1994.

Ms. Emerman’s commitment to activism resulted in her appointment to Community Board 6. There she continued to advocate on behalf of those issues most important to her. In addition to her work on behalf of the disabled, she has fought to ensure that all people have equal access to affordable housing, education, health and home care and public transportation. She also worked to ensure oversight of polling locations so that all New Yorkers are provided access to exercise their constitutional right to vote. Recently, Ms. Emerman began working with the New York City Council’s first full standing Committee on Mental Health, Mental Retardation, Alcoholism, Substance Abuse and Disability.

In recognition of her outstanding contributions to the community, particularly her work to raise awareness on behalf of Americans living with disabilities, I ask that my colleagues join me in saluting Anne Emerman.

From a pool of over 50 students from my district who went through the rigorous and time-consuming process of applying for a Congressional nomination, I am very proud to say that fourteen young women and men from Central New Jersey will be enrolling in America’s service academies this year. They are the very best of an exceptional group, and I was proud to nominate them.

Two young people from the area will be attending the United States Military Academy at West Point, New York. I would like to recognize Saddle Colon of Eatontown and Adrian Gennusa of Holmdel.

Six young people from Central New Jersey will be attending the United States Naval Academy at Annapolis, Maryland. I would like to recognize Nicholas Abbate of Middletown, Jillian Danback of Eatontown, John Michel of Cranbury, John Rundy of Holmdel, Sheila Singer of Princeton, and Kristin Strizki of Flemington.

Two young men from my district will be attending the United States Air Force Academy at Colorado Springs, Colorado. I would like to recognize Kenneth Fenton of Oceanport and Matthew Vanderschuere of Princeton Junction.

Two young men from Central New Jersey will be attending the United States Merchant Marine Academy at Kings Point, New York. I would like to recognize Timothy Cain of Marlboro and Graham Mengenthaler of Colts Neck.

Mr. Speaker, I hope the House joins me in noting the accomplishments of these young men and women, and in wishing them the best of luck at the service academies and in their careers.

Mrs. MALONEY of New York. Mr. Speaker, I would like to pay tribute to Detective Owen Hughes, one of New York’s finest, who will be retiring from the New York Police Department. For almost two decades he has served the Manhattan’s 13th Precinct. Detective Hughes is beloved by the community for his accessibility, concern and attention to their needs.

Detective Hughes was born and raised in Queens, New York. He began his career with the New York Police Department by joining the Police Academy, where he graduated in 1982. He performed his year-long field training in Queens and was assigned to the 13th Precinct in June of 1983. The 13th Precinct serves a diverse cross section of Manhattan which includes a substantial part of Manhattan’s East Side. In 1985 Detective Hughes was selected to serve as Coordinator for the 13th Precinct’s Community Policing Pilot Project. That led to his assignment to the Precinct’s Community Affairs Office in June of 1985. There, Detective Hughes
emerged as a dedicated and compassionate liaison between the Police Department and the community it is assigned to serve and protect. Among his many duties, he served as the Precinct’s Youth Officer, which allowed him to work directly with the young people in the local community.

Detective Hughes was also trained as a Crime Prevention Officer, and in that capacity lectured on the subject of crime prevention.

For his outstanding record of achievement with the force, in 1990 Detective Hughes was promoted to Detective. In 1992 he worked to successfully establish a Precinct Law Enforcement Explorer Post. Among his most noteworthy and proudest accomplishments, Detective Hughes worked in tandem with the State Liquor Authority to shut down The Underground, a dangerous club formerly located on Manhattan’s Lower East Side.

For his courageous service to the community, Detective Hughes has been honored with numerous awards, including the NYPD Commissioner’s Award, which he received in 1993. He has also been awarded the 23rd Street Association Award for Community Service, the Korean Businessman Association Advisory Council Award, the Stein Senior Citizen Center Award, the Tilden Democratic Club Community Service Award.

For 22 years Detective Hughes has been married to his wife, Nancy. They have three children, Courtney, Owen Jr. and Ashley. For his years of serving and protecting the community, I ask that my colleagues join me in saluting Detective Owen Hughes.

GLOBAL SECURITY ACT OF 2002

HON. ELLEN O. TAUSCHER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 2002

Mrs. TAUSCHER. Mr. Speaker, today I am proud to introduce the Global Nuclear Security Initiative Act of 2002 that was also recently offered in the Senate by Senator JEAN CARNAHAN.

The January 2001 report of the bipartisan task force chaired by former Senator HOWARD BAKER and former White House Counsel Lloyd Cutler has often been quoted, but one of its conclusions bears restating today: “the national security benefits to U.S. citizens from securing and/or neutralizing the equivalent of more than 80,000 nuclear weapons and potential nuclear weapons would constitute the highest return on investment in any current U.S. national security defense program.”

As you know, Mr. Chairman, our nonproliferation programs with Russia have improved America’s national security greatly by dismantling Russia’s nuclear facilities, finding jobs for their unemployed weapons scientists, and improving the security of Russian weapons and material. But as our relationship with Russia takes on a more cooperative definition, first with the signing of the Treaty on Strategic Offensive Reductions in Moscow and with the signing on May 28 in Rome of an agreement between NATO and Russia on a new working relationship, security threats arising from other nations withSecret nuclear materials are increasing. Indeed, India and Pakistan’s conflict over Kashmir has been escalating over the past several months and while tensions between the two countries are not new, unlike during the cold war, neither side has a clear idea of what actions would trigger a nuclear response from the other.

The challenges of translating some of our nonproliferation efforts to other countries of concern are significant, and North Korea is an example of a country that is significant but worth dealing with. While the nonproliferation programs of the Departments of Defense, Energy, and State are effective, they were not designed to meet the full range of terrorist threats now facing the United States. Expanding these programs to cover countries outside of the former Soviet Union, to address the threat of radiological materials and to defend against the threat of terrorist sabotage of nuclear power plants abroad, is in the United States’ national security interest.

The bill I am introducing today is an important first step in expanding America’s defense against the threat of weapons of mass destruction. It calls on the Secretary of Energy, in consultation with the Secretaries of Defense and State, to develop a comprehensive program of activities covering all countries that adhere to the highest security standards for their nuclear facilities and material.

Second, the bill requires the Department of Energy to establish a systematic approach for securing radiological materials other than uranium and plutonium outside of the United States.

Finally, the bill requires the Department of Energy to develop plans for preventing terrorist attacks on nuclear power plants outside the United States. These are simple but important steps and I encourage my colleagues to support this legislation.

HOUSE CONCURRENT RESOLUTION COMMENDING THE PENNSYLVANIA NATIONAL GUARD FOR EXTRAORDINARY WARTIME SERVICE

HON. GEORGE W. GEKAS
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 2002

Mr. GEKAS. Mr. Speaker, I rise to introduce a measure honoring the citizen-soldiers of Pennsylvania. The soldiers and airmen of the Pennsylvania Army and Air National Guard serve all America today in the cause of freedom, and they do so in record numbers. These brave men and women represent the best of our Commonwealth. They valiantly carry on the proud Pennsylvania tradition of service to state and country in peace and in war, a tradition born when Benjamin Franklin created the first Pennsylvania militia in 1747.

From the American Revolution to the present day, Pennsylvania militiamen and Guardsmen have been in the vanguard of the fight for American security and liberty. In peacetime our Guard has been relied upon to help combat floods, blizzards, narcotics and civil crises. In wartime, these civilians have accepted the role of armed defenders of liberty. Their deeds in war have been as glorious as their triumphs in peace. Tens of thousands of Pennsylvania Guardsmen fought with Washington for American Independence. Over 200 regiments fought in 24 campaigns of the Civil War. An entire division of Pennsylvania Guardsmen fought in the Spanish American War. Almost 14,000 Pennsylvania Guardsmen were wounded in World War I. In World War II, that same division of Pennsylvanians fought through Normandy, helped to liberate Paris, engaged the “West Wall” of Germany and fought fiercely in the Battle of the Bulge, losing 2,000 men. These same Pennsylvanians became the first unit to cross into Germany, presaging a successful end to that terrible war. Pennsylvania Guardsmen also have served just as bravely in every military operation since World War II from Korea to Desert Storm.

Today, thousands of Pennsylvania Guardsmen prepare to deploy to Europe while thousands more rotate in and out of central Asia to defeat the forces of terror. Not since the Korean War has our Commonwealth parted with so many soldiers and airmen at one time. Pennsylvania families in over a hundred communities wait for their Guardsmen to return home safely to them, realizing that these heroes are prepared to make the ultimate sacrifice for our safety and, our liberty.

Mr. Speaker, prior to September 11, 2001, Pennsylvania’s Army National Guard merited recognition as the largest Army Guard in the Nation and the home of the oldest division in the U.S. Army, the 28th Infantry Division. The 28th infantry was formed in 1879 and fought in the First World War, General Pershing dubbed these Keystone Guardsmen the “Iron Division.” Their heroism and sacrifice at the Bulge earned them the appellation, the “Bloody Bucket” division, in World War II, a symbolic reference to the red keystone patch worn on their uniform and the horrendous casualties suffered in the forests of the Ardennes. Similarly, the Pennsylvania Air Guard ranked as the fourth largest in this country and was home to three superior air wings, the 171st Refueling Wing of Pittsburgh, the 111th Fighter Wing of Philadelphia, and the one-of-a-kind psychological warfare unit—the 193rd Special Operations Wing of Harrisburg—the most deployed U.S. Air Force or Air Guard unit.

Since the heinous and despicable attacks of 9/11, the men and women of the Pennsylvania National Guard have earned new recognition and respect as they serve throughout the country and the world in record numbers not seen since the Korean War. For these brave women and men serving gallantly in Afghanistan and central Asia in the War Against Terror. They are serving nobly in the Balkans, ensuring peace and stability in Europe. They are serving heroically in the Middle East, enforcing the No-Fly Zone over Iraq, preventing future assaults by Saddam Hussein against our neighbors. And, the National Military Command has ordered an even larger deployment of Pennsylvania Guardsmen to the Balkans and around the Northern border of the United States, in New York, and throughout Pennsylvania protecting our airports and nuclear power plants.

But this country has not finished asking of the men and women of the Pennsylvania National Guard. Our National Military Command has ordered the 28th Infantry Division of the Pennsylvania Army Guard to assume the lead role in SFOR operations this fall. Over one thousand soldiers of the 28th Infantry Division will mobilize, train and deploy for six months in the effort to secure peace in the Balkans. During this massive deployment the National Military Command has ordered an even larger deployment of Pennsylvania Army Guardsmen. Beginning this fall, two thousand soldiers
of the Pennsylvania Army Guard will deploy to Germany, Italy, Belgium, Luxembourg and the Netherlands to provide additional security for American military bases in those countries. The Keystone Taskforce will be stationed in Europe for six months and mobilize and train in the United States this summer. Already nearly a hundred engineers from the 201st Civil Engineering Flight Air Guard unit—a.k.a. Red Horse—has made its way to central Asia to build and repair runways, continuing the fight against Al Qaeda. And, all of this follows immediately upon the return of nearly 900 Pennsylvania Air Guardsmen of the 193rd Special Operations Wing who have been flying Commando Solo PSYOPS missions over Afghanistan consistently since October of last year as an essential part of Operation Enduring Freedom/Noble Eagle.

Mr. Speaker, I cannot mention every unit or every Guardsman who has contributed during this time of War in our struggle to preserve America’s democratic way of life. Each and every soldier and airman of the Pennsylvania National Guard has contributed in some way. Simply put, those seeking a commission they have made themselves ready to defend this great Nation in our time of need, and have earned our thanks. Yet, so many have been called upon since September 11th to serve at home and abroad, and so many more will be deploying in the future. Each and every one of our Guardsmen has made Pennsylvania proud, and those who will deploy overseas this fall will continue to bring honor to themselves, our Guard and our Commonwealth. For this they deserve the commendation of a proud and thankful Congress of the United States.

Credit must go first to the soldiers and airmen themselves who have taken on this responsibility with patriotism and courage. We must also thank the leadership of Pennsylvania’s Guard units for training our men and women to serve in peace and war, providing them with the skills they need to defend our freedom here at home and abroad. They may be citizen-soldiers, but they are indubitably professionals thanks to the leadership of our Pennsylvania Guard. Those in Congress who command our Guardsmen today will ensure that they receive the resource they need to fight and win wars. Moreover, we resolve to work even more closely with the leadership of the Pennsylvania National Guard to make sure our men and women are properly supported.

I would like to thank our Adjutant General, Major General William Lynch, a veteran fighter pilot and an exemplary leader. His stewardship of our Guard has brought credit to our Commonwealth and pride to our units. The Pennsylvania Guard stands ready to continue serving wherever and whenever called upon, under his command. My congratulations to Deputy Adjutant General and Jessica Wright for ably leading our Air Guard and Army Guard through this demanding wartime period. I am confident that our forces remain in more than capable hands with Generals Skiff and Wright at the helm.

To our Army Guard unit commanders, Major General Walter Pudlowski of the 28th Infantry Division, and his deputies Brigadier Generals John von Trott and Wesley Craig, I give my thanks. As they prepare to lead over three thousand Pennsylvanians into Europe to defend American interests abroad, they should know that this Congress supports them and places trust in their leadership.

To Brigadier General Steve Speer of the 193rd S.O.W. my gratitude for a job well done in leading 900 officers and enlisted Air Guardsmen in Operation Enduring Freedom. You are in desperate need of new equipment to replace the forty year old aircraft that you fly today. Yet you still fly critical missions around the globe and fly more frequently than any other unit in the United States. We will take care of you, and we will supply you with the equipment you need. We thank you for your leadership in our War Against Terror.

Let me extend my thanks also to Brigadier General William Boardley and Colonel Steve Sischo, commanders of the 171st and 111th Wings. Both have led their men and women admirably in Operation Southern Watch and Operation Enduring Freedom totaling over a thousand sorties for both wings combined in these wartime missions. Under your leadership our men and women have performed outstandingly under tough conditions.

The Pennsylvania Guard carries on its proud tradition and lives up to its motto: “Civilian in peace. Soldier in war.” We are proud of each and every one of the 22,000 Guardsmen in uniform today. This Nation owes a debt of gratitude to all of them, and to their families. For us they sacrifice their precious time in peace and potentially so much more in war. I beseech my fellow Members of Congress to resoundingly express their gratitude today for the men and women of the Pennsylvania National Guard. Pass this resolution and send it to the Senate, so that those who serve will know that we honor them always.

CONFERENCE REPORT ON S. 1372, EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2002

SPREADSHEET FOR HON. BART STUPAK
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 5, 2002

Mr. STUPAK. Madam Speaker, I could not support this legislation that supports an organization that has acted directly against the interests of our domestic steel industry. Last year the Ex-Im Bank agreed to guarantee an $18 million loan to the Benxi Iron and Steel Company in China that allowed it to increase its steelmaking capacity. This decision, in the face of mounting bankruptcies of U.S. steel companies, was unbelievable. While our domestic steel companies were struggling for funds to keep themselves alive, the Ex-Im bank was promising funds overseas to Chinese steel.

There has been some talk that this conference report includes provisions to prevent such future lapses. I do not think that these provisions are sufficient. Furthermore, the conference committee actually took out a provision that would have required the Ex-Im Bank to reevaluate the Benxi loan guarantee. I cannot understand why this was done in the face of the ongoing crisis in the steel industry, and the clear impropriety of the Benxi decision.

I will not vote for this organization that has not stood with our domestic steel industry. I oppose this re-authorization—the Ex-Im Bank has shown through its actions that it does not merit our support until it can act responsibly and in our domestic interests.

IN RECOGNITION OF THE QUEENS GAZETTE

HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, June 10, 2002

Mrs. MALONEY of New York. Mr. Speaker, I would like to pay tribute to The Queens Gazette, a leading community newspaper in the New York City borough of Queens.

The twentieth anniversary of the Queens Gazette is cause for celebration across the borough from Astoria to Flushing, Long Island City to Jamaica. For two decades, the Gazette has been a premiere and outstanding publication for Queens residents who value accurate and timely news coverage and in-depth reports on the neighborhood issues that matter.

In recent months, The Queens Gazette has helped raise awareness in the community on issues that affect us all. These issues range from the need to stop the Asian Longhorned Beetle from killing our trees, to the successful quest for affordable housing in Astoria’s Marine Terrace housing development. The Gazette has reported, with in-depth analysis, on the campaign for increased transit connections between Long Island City’s residential areas, business sectors and new public parks, retail stores, and cultural institutions. The Gazette has also provided Queens readers with consistent and accurate reporting on efforts to make LaGuardia Airport safer. Clearly, the Gazette excels in providing comprehensive news coverage in many arenas. Information on such issues, and countless others, is invaluable to the members of our community.

I look to the Queens Gazette every week for thorough reports on local news, politics and governments affairs. I always appreciate the Gazette’s special editions that focus on everything from social services in Queens to a review of entertainment and cultural activities for borough residents. I commend the entire staff at the Gazette for publishing an exemplary newspaper for the community and for being an excellent source for neighborhood news.

Congratulations to Tony Barsamian, Julie Wager, John Toscano, Linda Wilson and everyone at the Gazette for twenty years of excellence in journalism and outstanding public service for the people of Queens.

In recognition of its outstanding contributions to the community, I ask that my colleagues join me in saluting the Queens Gazette.
SENATE COMMITTEE MEETINGS
Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 11, 2002 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

JUNE 12
9 a.m. Judiciary
Constitution Subcommittee
To hold hearings to examine issues with respect to reducing the risk of executing the innocent, focusing on the Report of the Illinois Governor’s Commission on Capital Punishment.
SD–226

9:30 a.m. Governmental Affairs
To hold hearings to examine the status of childhood vaccines.
SD–342

Environment and Public Works
To hold hearings to examine the costs and benefits of multi-pollutant legislation.
SD–406

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine Medicare payments for medical supplies.
SD–124

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Defense and related programs.
SD–192

2:30 p.m. Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine Internet corporations for assigned names and numbers.
SR–253

Energy and Natural Resources
National Parks Subcommittee
To hold hearings on S.1267, R.107, to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War; S.1312, R.2199, to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach, Florida, for possible inclusion in the National Park System; S.1944, to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Monument in the State of Colorado; H.R.38, to provide for additional lands to be included within the boundaries of the Homestead National Monument of America in the State of Nebraska; H.R.980, to establish the Moccasin Bend National Historic Site in the State of Tennessee as a unit of the National Park System; and H.R.1712, to authorize the Secretary of the Interior to make adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ouf and Olosega within the park.
SD–366

Intelligence
To hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001.
S–407, Capitol

JUNE 13
9:30 a.m. Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold hearings to examine cross border trucking issues.
SR–253

10 a.m. Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of the Interior.
SD–124

Health, Education, Labor, and Pensions
To hold hearings to examine the implementation of Reading First and other reading programs and strategies.
SD–430

Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
To hold hearings on the Transportation Equity Act for the 21st Century.
SD–538

Foreign Relations
SD–419

2 p.m. Judiciary
To hold hearings on pending judicial nominations.
SD–226

2:15 p.m. Foreign Relations
Business meeting to consider S.2355, to amend the Foreign Assistance Act of 1961 to increase assistance for foreign countries seriously affected by HIV/AIDS, tuberculosis, and malaria.
S–116, Capitol

JUNE 14
9:30 a.m. Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings to examine increasing of options and awareness concerning the screening of newborns.
SD–430

10:30 a.m. Judiciary
Crime and Drugs Subcommittee
To hold hearings to examine penalties for white collar offenses.
SD–226

Governmental Affairs
To hold hearings on the nomination of Michael D. Brown, of Colorado, to be Deputy Director of the Federal Emergency Management Agency.
SD–342

2:30 p.m. Foreign Relations
Western Hemisphere, Peace Corps and Narcotics Affairs Subcommittee
To hold hearings on S.1017, to provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals.
SD–419

POSTPONEMENTS

JUNE 12
9:30 a.m. Health, Education, Labor, and Pensions
Business meeting to consider S.710, to require coverage for colorectal cancer screenings; S.1115, to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis; S.2194, to provide for the reissuance of a rule relating to ergonomics; S.2558, to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries; S.2328, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to ensure a safe pregnancy for all women in the United States, to reduce the rate of maternal morbidity and mortality, to eliminate racial and ethnic disparities in maternal health outcomes, to reduce pre-term, labor, to examine the impact of pregnancy on the short and long term health of women, to expand knowledge about the safety and dosing of drugs to treat pregnant women with chronic conditions and women who become sick during pregnancy, to expand public health prevention, education and outreach, and to develop improved and more accurate data collection related to maternal morbidity and mortality, and the nominations of Thomas Mallon, of Connecticut, Wilfred M. McClay, of Tennessee, and Michael Pack, of Maryland, each to be a Member of the National Council on the Humanities, National Foundation On the Arts and the Humanities.
SD–340

2:30 p.m. Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings on S.2341, to amend title 18, United States Code, to establish penalties for aggravated identity theft.
SD–226
HIGHLIGHTS

Senate agreed to S. Res. 272, Delivery of Signatures to Cuban National Assembly.

Senate

Chamber Action

Routine Proceedings, pages S5261–S5317

Measures Introduced: Five bills and two resolutions, were introduced, as follows: S. 2602–2606, S. Res. 282, and S. Con. Res. 120. Page S5285

Measures Reported:

S. J. Res. 34, approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spend nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982. (S. Rep. No. 107–159) Page S5285

Measures Passed:

Delivery of Signatures to Cuban National Assembly: By a unanimous vote of 87 yeas (Vote No. 146), Senate agreed to S. Res. 272, expressing the sense of the Senate regarding the success of the Varela Project’s collection of 10,000 certified signatures in support of a national referendum and the delivery of these signatures to the Cuban National Assembly, after agreeing to a committee amendment in the nature of a substitute. Pages S5278–80

Hate Crimes Bill: Senate resumed consideration of S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, taking action on the following amendment proposed there-to:

Withdrawn:

Reid (for Biden) Amendment No. 3807, to provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods. Pages S5267–76

Pending:

Hatch Amendment No. 3824, to amend the penalty section to include the possibility of the death penalty. Pages S5267–77

A unanimous-consent agreement was reached providing for further consideration of the bill at 10:45 a.m., on Tuesday, June 11, 2002, with a vote on the motion to close further debate on the bill to occur at approximately 11:45 a.m. Further, that Senators have until 10:45 a.m. to file second degree amendments to the bill. Page S5317

Debt Limit Extension: Senate began consideration of the motion to proceed to consideration of S. 2578, to amend title 31 of the United States Code to increase the public debt limit. Pages S5316–17

A motion was entered to close further debate on the motion to proceed to consideration of the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Wednesday, June 12, 2002. Pages S5316–17

Subsequently, the motion to proceed was withdrawn. Page S5317

Capitol Visitor Center Construction—Agreement: A unanimous-consent agreement was reached providing that the Secretary of the Senate be permitted to display in the Senate chamber lobby, information regarding the construction of the Capitol Visitor Center, and that such display and persons designated by the Secretary to answer questions about the display be permitted in the lobby on June 11, 2002, from the hours 2:15–3:30 p.m. Page S5317

Measures Placed on Calendar: Pages S5262, S5285

Additional Cosponsors: Pages S5285–86

Statements on Introduced Bills/Resolutions:

Pages S5286–88

Additional Statements:

Amendments Submitted:

Pages S5282–85

Notices of Hearings/Meetings:

Pages S5294–95

Privilege of the Floor:

Pages S5295

Text of H.R. 4775, as Previously Passed:

Pages S5295–S5316
CONGRESSIONAL RECORD—DAILY DIGEST

June 10, 2002

Record Votes: One record vote was taken today. (Total—149)

Adjournment: Senate met at 2 p.m., and adjourned at 6:42 p.m., until 9:30 a.m., on Tuesday, June 11, 2002. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S5317).

Committee Meetings
No committee meetings were held.

House of Representatives

Chamber Action
Measures Introduced: No measures were introduced today.

Reports Filed: No reports were filed today.

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Petri to act as Speaker pro tempore for today. Page H3295

Senate Message: Messages received from the Senate appear on page H3295.

Quorum Calls—Votes: No quorum calls or recorded votes developed during the proceedings of the House today.

Adjournment: The House met at 2 p.m. and adjourned at 2:04 p.m.

Committee Meetings
No committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, JUNE 11, 2002
(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on District of Columbia, to hold hearings on proposed budget estimates for fiscal year 2003 for the government of the District of Columbia, focusing on the Anacostia Waterfront Initiative, 9:30 a.m., SD–192.

Committee on Commerce, Science, and Transportation: to hold hearings to examine spectrum management, focusing on improving the management of government and commercial spectrum domestically and internationally, 9:30 a.m., SR–253.

Committee on Foreign Relations: to hold hearings to examine America’s global dialogue, focusing on sharing American values and public diplomacy, 10:45 a.m., SD–419.

Subcommittee on African Affairs, to hold hearings to examine U.S. policy in Liberia, 2:30 p.m., SD–419.

Committee on Governmental Affairs: Subcommittee on International Security, Proliferation and Federal Services, to hold hearings to examine cruise missiles and unmanned aerial vehicle threats to the United States, 10 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Aging, to hold hearings to examine the prevention of elderly falls, 2 p.m., SD–430.

Committee on Indian Affairs: to hold oversight hearings to examine the activities of the Branch of Acknowledgement and Research, Bureau of Indian Affairs, Department of the Interior, 1:30 p.m., SR–485.

Select Committee on Intelligence: to hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 10 a.m., S–407 Capitol.

Full Committee, to hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 2:30 p.m., S–407 Capitol.

Committee on the Judiciary: to hold hearings to examine the criminal justice system and mentally ill offenders, 10 a.m., SD–226.

House

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality to markup H.R. 3609, Pipeline Infrastructure Protection To Enhance Security and Safety Act, 5 p.m., 2123 Rayburn.

Subcommittee on Health, to markup the following: H.R. 1784, Women’s Health Office Act of 2001; and the Mammography Quality Standards Reauthorization Act of 2002, 3:30 p.m., 2123 Rayburn.


Committee on Government Reform, Subcommittee on National Security, Veterans Affairs, and International Relations, hearing on “Combating Terrorism: Improving the Federal Response,” 9:30 a.m., and 1 p.m., 2154 Rayburn.

Committee on the Judiciary, Subcommittee on Crime, Terrorism and Homeland Security, hearing and mark up of H.R. 4864, Anti-Terrorism Explosives Act of 2002, 4:30 p.m., 2237 Rayburn.

Committee on Rules, to consider the following: H.J. Res. 96, proposing a tax limitation amendment to the Constitution of the United States; and H.R. 4019, to provide
that the marriage penalty relief provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent, 5:30 p.m., H–313 Capitol.

Committee on Veterans’ Affairs, Subcommittee on Benefits, hearing on the following: H.R. 3173, Servicemembers and Military Families Financial Protection Act of 2001; H.R. 3735, Department of Veterans Affairs Overpayment Administration Improvement Act of 2002; H.R. 3771, to amend title 38, United States Code, to provide that monetary benefits paid to veterans by States and municipalities shall be excluded from consideration as income for purposes of pension benefits paid by the Secretary of Veterans Affairs; H.R. 4042, Veterans Home Loan Prepayment Protection Act of 2002; the Arlington National Cemetery Burial Eligibility Act; and a measure providing dependency and indemnity compensation to the surviving spouse of a veteran with a totally disabling service-connected cold-weather injury; 10 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Human Resources, hearing on Unemployment Fraud and Abuse, 4 p.m., B–318 Rayburn.

Subcommittee on Social Security, hearing on Social Security Disability Programs’ Challenges and Opportunities, 3:30 p.m., 1100 Longworth.

Joint Meetings

Joint Meeting: Senate Select Committee on Intelligence, to hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 10 a.m., S–407 Capitol.

Joint Meeting: Senate Select Committee on Intelligence, to hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 2:30 p.m., S–407 Capitol.
Next Meeting of the SENATE
9:30 a.m., Tuesday, June 11

Senate Chamber
Program for Tuesday: After the transaction of any morning business (not to extend beyond 10:45 a.m.) Senate will continue consideration of S. 625, Hate Crimes bill, with a vote on the motion to close further debate on the bill to occur at approximately 11:45 a.m. (Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES
12:30 p.m., Tuesday, June 11

House Chamber
Program for Tuesday: Consideration of Suspensions:
(1) H. Res. 438, Improving Health Through Fitness and Reduction of Obesity;
(2) H. Res. 269, Honoring the Life and Achievements of Italian-American Inventor Antonio Meucci, and his work in the Invention of the Telephone;
(3) H. Res. 406, Commemorating the Sacrifices of Law Enforcement Officers Who Were Killed or Disabled;
(4) H.R. 3738, Herbert Arlene Post Office, Philadelphia, Pennsylvania;
(7) H. Con. Res. 394, 2002 World Cup and Co-hosts Republic of Korea and Japan;
(8) H. Con. Res. 213, Concerning North Korean Refugees Detained in China;
(9) H.R. 2068, Public Buildings, Property, and Works Amendments;
(10) H.R. 3297, Mychal Judge Police and Fire Chaplains Public Safety Officers’ Benefit Act;
(11) H.R. 2054, Congressional Consent to Compact between Utah and Nevada Regarding Boundary Change; and

Extensions of Remarks, as inserted in this issue

HOLST

Gekas, George W., Pa., E1006
Holt, Rush D., N.J., E1005
Lofgren, Zoe, Calif., E1005
Maloney, Carolyn B., N.Y., E1005, E1005, E1007
Stupak, Bart, Mich., E1007
Tauscher, Ellen O., Calif., E1006

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