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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 30, 2001.

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.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BROWN) for 5 minutes.

MISSED OPPORTUNITIES TO RESPOND TO TRUE NEEDS OF AMERICANS

Mr. BROWN of Ohio. Mr. Speaker, many years ago I was attending church with my father in the early 1960s; and he pointed to a gentleman sitting in the back of the church whom he had gone to high school with, and my dad said during World War II, when my dad and most people in the community went off to war, my dad told me this gentleman stayed home, feigned some injury and made a lot of money during the war. My dad referred to him, the

first time I heard that term, as a war profiteer.

I remember the night of September 11, 2001, when service stations around my district in Ohio and other States in the Midwest, when gas station owners raised their price on that evening to \$4, \$5, \$6 a gallon, also something you might call war profiteering.

Then I have watched this Congress respond to the events of September 11; and while in many cases the Congress and the President have worked well together, bipartisanly, putting differences aside, I have seen that same kind of profiteering, let us call it political profiteering, in the way that many people in the majority party have acted in response to September 11.

For instance, Congress spent \$15 billion to bail out America's airlines. They required no shared sacrifice from the executives, no give-backs from executives in bonuses and salaries. They spent not a dollar on airport security in this \$15 billion gift to the airlines, and they gave nothing to the 100,000 workers laid off as a result of September 11.

Turn the clock up a little bit further and look at what happened last week when Congress considered the bill to stimulate our economy. Instead of taking care of workers through health insurance, instead of taking care of laid off workers with unemployment compensation, instead of taking care of workers who got no tax break, people making \$20,000 to \$40,000 a year, instead of taking care of them, this Congress again, in the name of answering the problems of September 11, this Congress again gave huge tax cuts to the richest people in our society.

Eighty-nine percent of the tax relief in the Republican stimulus package went to tax breaks for corporations, including a \$25 billion gift to the largest companies in the country. IBM got \$1 billion, General Motors got between \$800 million and \$900 million in checks

from the Federal Government, all in the name of let us take care of September 11 and what is happening with the economy.

Now we are seeing some leaders in this Congress, particularly Republican leaders in the Committee on Ways and Means and the Speaker, have said that in order to counter terrorism, we need to pass Fast Track, we need to give Trade Promotion Authority to the President, we need to extend NAFTA to Latin America.

So what we are saying is we are sending our young men and women in harm's way in Afghanistan; then when they come back to this country looking for jobs, some of those jobs will have been sent abroad because this Congress has passed failed trade agreements for those workers laid off. There is not unemployment compensation; there is no help with their health care.

When you talk about the events of September 11, Mr. Speaker, most of us talk about shared sacrifice. When this Nation has been troubled in World War I and World War II, there was shared sacrifice. Wealthy people actually paid a higher proportion of taxes, working people got some breaks on their taxes, working people got some benefits.

This is all different this year; and the response to September 11, we have seen that kind of political profiteering from the majority party. When Democrats have worked with the President bipartisanly, we have seen instead bailouts for the airlines with nothing for the airline workers; we have seen tax cuts for the richest people in our society, but no health care for laid-off workers; no tax breaks for middle-income and working-class workers. And now this week we are going to see an ideological battle where the most conservative members of this body, in opposition to bipartisan legislation in the Senate, with airline security, we are going to see Republicans in the House continuing to try to push forward a failed airline security bill.

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Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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In fact, I know people who are making \$6 and \$7 an hour that work at airport security, and some of them actually have left to go work at McDonald's because it pays better. Instead, we should federalize airport workers and security workers at the airports. They should be paid a living wage, they should be paid health insurance, they should be paid other benefits, and they should be trained better so they are there for a long time and they will do their job.

Why should we continue this failed system of airline security, of airport security, all in the name of a conservative ideology? Mr. Speaker, it is time we believe in shared sacrifice. It is time we federalize the airport security people, that we build a tax system fair to all people, and that we take care of workers laid off and victimized by the events of September 11.

HONORING THE PHYSICALLY IMPAIRED AND THOSE THAT WORK WITH THEM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from North Carolina (Mr. COBLE) is recognized during morning hour debates for 5 minutes.

Mr. COBLE. Mr. Speaker, recently the distinguished gentleman from Georgia (Mr. KINGSTON) took a Special Order honoring Rush Limbaugh, who is undergoing a hearing loss. Many people are unaware and/or indifferent to those who experience physical infirmities, including deafness and blindness. When celebrities become affected, however, attention is focused on the celebrity, as well as the infirmity or disability. Fanny Crosby, the beloved hymn composer, was visually impaired, as are entertainers Doc Watson and Ray Charles. Helen Keller overcame blindness as well as deafness.

Many are prone to dismiss deafness as a mere inconvenience when compared to other infirmities. I have a personal familiarity with the hearing impaired, Mr. Speaker. My mom has been legally deaf most of her adult life. My first cousin at the time of her retirement served as superintendent of the North Carolina School for the Deaf.

Several years ago, while motoring in North Carolina on a Sunday morning, I was listening to the Lutheran Hour on the automobile radio. The host, Dr. Ozzie Hoffmann, was discussing physical infirmities. He said if offered a choice of losing the sense of sight or the sense of hearing, most people would opt to retain their vision. The host of the program then presented an interesting aside. Blindness, he noted, removes the visually impaired from objects and things; deafness, he declared, removes the hearing impaired from people.

Oftentimes persons who have impaired hearing are mistakenly accused of being unfriendly or aloof, when the truth of the matter is their deafness, as

Dr. Hoffmann indicated years ago, has removed them from people. Their skills for communication, Mr. Speaker, have been adversely affected.

My mom was an outstanding parent and wife, despite having been deprived of normal hearing. Rush Limbaugh, hopefully, will not be removed from contact with his vast listening audience.

Finally, permit me to urge my colleagues in this House and in the other body as well to be consciously aware of difficulties encountered by those who are visually and hearing impaired. We who enjoy normal vision and hearing oftentimes take these luxuries for granted.

These are indeed luxuries which we should not embrace casually, and those who do not enjoy these luxuries deserve a tip of our hats for the extra effort they are required to expend to make it through life. Most of the blind and deaf people I know are upbeat, optimistic and rarely bitter as a result of their infirmities. They are indeed unsung heroes and thoroughly deserve our admiration and respect, as do the men and women who work with the visually and hearing impaired to make their lives more complete and more fulfilled.

ENFORCING AIRLINE SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning hour debates for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, it has been 7 weeks since the attacks, and the House of Representatives has yet to consider one bill relating to aviation security enhancements. Not one.

Two weeks ago the Senate passed a bill 100 to zero, nothing passes the Senate 100 to zero of any substance, 100 to zero; yet this House has failed to take up that or any other measure, because of one item in disagreement: Who should provide the critical screening function for baggage, carry-on bags and individuals passing into the secure areas of the airport? Should it be the private sector, as the majority whip and the majority leader say, or should it be a Federal law enforcement-national security function provided by competent, well-paid, professional Federal law enforcement personnel, the same way we do INS, Customs, and even agriculture inspection? Those are Federal law enforcement agents.

But somehow, when it comes to the security of the public traveling on airplanes, no, they get second-class treatment. They get security on the cheap. The majority wants to maintain the status quo, which is failing them miserably.

Guess what? That same majority has not mandated that we put private security firms at the doors of the Capitol. If they feel so good about this and if they can provide such a great service, why

do they not do that? Because they are mindful of protecting themselves. But they do not care quite so much about the traveling public. They care more about their political sponsors.

Let us look at who the political sponsors are here. There are three foreign owned, hear that, foreign owned huge companies that do most of the private airport security in the United States; and one of them, Securicor of Europe, threatened last week to sue the United States Government if we usurp their function at the airports.

Let us look at how their subsidiary is doing in the U.S. Their subsidiary is Argenbright, one of the three largest security firms providing airport security to more than 40 major airports in the United States of American, including Boston's Logan, Washington's Dulles and others.

Well, they have got a few problems. They were criminally convicted just a year ago of hiring known felons, maintaining known felons on staff, falsifying documents as to the screening and training of the known felons that they had hired. At Dulles Airport, 84 percent of their workers are foreign national; but, they assure us, most of them are legal immigrants. "Most."

Most? This is extraordinary, and this is the system that the gentleman from Texas (Mr. ARMEY) and the gentleman from Texas (Mr. DELAY) want to perpetuate under pressure from these generous firms. They are generous. Their U.S. subsidiaries can contribute to campaigns, and they do, generously.

Now, let us talk about how they are going to resolve the problems. They do admit it is a little bit of a problem that they are hiring and maintaining known felons on staff; that FAA inspectors are able to get hand grenades, fully assembled guns and other things through the security; that many, many other lapses have been noted. Most notably, last weekend a gentleman was on a Southwest Airlines plane with a fully loaded gun in his briefcase which they had not noticed. They noticed, when he got up to altitude and told the pilot. It was nice of him to do that. But the security screening people from the private firm did not notice the gun.

Now, so what the majority says is well, look, we will make it better. We will have Federal regulations. Well, guess what? We have got Federal regulations now. They are ignoring them. They are ignoring them to the point where they are about to be criminally convicted, in terms of Argenbright, for the second time.

□ 1245

But not removed. But forbid we would remove them from doing this function and fail the American traveling public.

They say they will also mandate wages, not usually something the Republicans want to do. So they say they will mandate wages, they will mandate benefits, they will mandate, and the Federal Government will conduct

background checks since the private firms falsify the documents all the time, and then the Federal Government will either directly train or supervise the training by these firms because they falsify the documents about the training of these people, and the Federal Government will provide supervisors but it will be a private undertaking.

Now, wait a minute. Did they just describe a Rube Goldberg device or what? So the Federal Government is going to do all of these things, but we are going to maintain these private firms, so-called, in place because why? They are doing such a good job? No. Why? Why are we going to maintain them in place? This system that they are describing is so much less efficient than an all-Federal system like we do with Customs, INS, agriculture inspection, and like we do here at the United States Capitol to provide our screening security. Why do they want to give Americans security on the cheap? Change this system. Change it this week. Agree to what the Senate did 100 to zero.

AMERICANS SHOULD BE ENCOURAGED

The SPEAKER pro tempore (Mr. PETRI). Under the Speaker's announced policy of January 3, 2001, the gentleman from Indiana (Mr. PENCE) is recognized during morning hour debates for 5 minutes.

Mr. PENCE. Mr. Speaker, as my colleagues are aware, trace elements of the anthrax bacillus were discovered in my office in the Longworth Office Building, along with the offices of two of my distinguished colleagues, the gentleman from Maine (Mr. BALDACCI) and the gentleman from New Jersey (Mr. HOLT). Mr. Speaker, all of us have been busy, to say the least, since we received the call from leadership and security on Friday night, not only meeting with health officials, but security officials, and contacting constituents who came into contact with our office. It has been a busy time.

But I rise today, Mr. Speaker, to announce proudly that another attack on our national government has failed. As a Christian believer, I begin my remarks today by giving thanks to God, who I believe protected my family and my staff from this unseen menace. In our family, we often say that the safest place in the world is to be in the center of God's will, and we believe that we had his protection. As the Bible says, "It is good for me to be near God, I have made the sovereign Lord my refuge, I will tell of all your deeds," and thus I do so humbly today.

To the people we serve in Indiana, our message today is simple. They should be confident. My family and my staff are well and show no signs of infection. We have all been treated, as has virtually every individual that came into contact with our office. This incident should not, Mr. Speaker, be

cause for alarm but of encouragement. The system worked, thanks to the outstanding work of the Capitol Hill security, the CDC, and the Office of the Attending Physician, who I rise to commend today. We are requesting in all of our offices that anyone who visited our office from October 12 to October 17 see their physician and begin a prophylactic treatment of antibiotics over the next 60 days.

To the people who did this, whoever you are, you have failed again. You have failed to reach your target, and you have failed in a much more profound way, because by your actions you have steeled the resolve of every member of this national government whose duty it is to bring you to justice or to seal your fate.

Finally, Mr. Speaker, a word on behalf of the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, and the gentleman from Missouri (Mr. GEPHARDT), the minority leader, whose decision to close the House offices and commence this environmental sweep was so deeply maligned by many in the national media and even by some of our own colleagues in the U.S. Senate. On behalf of my wife, my children, Michael, Charlotte and Audrey, the nine full-time staffers in my office, from my heart to the bipartisan leadership I say thank you. Thank you for putting my family and my staff's well-being ahead of any concern about public relations or image.

Indeed, Mr. Speaker, these times have fallen on broad shoulders, men and women willing and able to make the tough choices and stand by them. So I say to the troops in the field, our investigators at home, the postal workers who find themselves on the front-line of this domestic terrorism, and to the public at large, be encouraged. God has indeed put strong men and women in leadership of this national government for such a time as this. As it is written, fear is useless. What is needed is trust.

Mr. Speaker, over this last weekend my family again learned that our national leadership and the leadership in both parties in this Congress is worthy of our trust in these difficult days, and I am grateful.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address remarks in debate to the Chair and not to others who may be following the proceedings.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 51 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 2 p.m.

PRAYER

Mr. Tony Incashola, Confederated Salish and Kootenai Tribes, Pablo, Montana, offered the following prayer:

God, Creator, I come before You today to ask that You look upon the Members of the House of Representatives and gift them with Your knowledge and wisdom. Creator, I pray for those who have gone before us, our ancestors and forefathers, who with their mighty words, deeds and sacrifices made this the great Nation it is. I especially ask You, Creator, to wrap Your loving arms around those whose lives have been forever altered by the tragic events of September 11. We truly are one Nation under God, and seek Your guidance in all decisions, small and large, that affect the diverse peoples of America.

We have reached a point in our history, Creator, where Your guidance and wisdom are of great importance. I ask Members of the House of Representatives to look to You for the path to follow so that justice and righteousness will be served. I implore You to listen to the prayers and needs of these men and women who have been chosen to lead this Nation. Give them the strength to make decisions, popular or not, to lead the United States of America into the 21st century. Now is the time for people of all races, colors, origins, and religions to come together to stand and show our strength as one. We must remember, as we move forward, that united we stand, one Nation, under God, indivisible, with liberty and justice for all.

I ask this in Your name, God, Creator, and thank You for the many blessings You have already bestowed upon us. Thank you. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. GREEN) come forward and lead the House in the Pledge of Allegiance.

Mr. GREEN of Texas 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.

TRIBUTE TO GUEST CHAPLAIN

(Mr. REHBERG asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. REHBERG. Mr. Speaker, it is my pleasure to introduce the guest chaplain, Tony Incashola, Director of the Salish-Pend d'Orielle Culture Committee, of the Flathead Indian Reservation.

The Flathead Indian Reservation is home to the Confederated Salish and Kootenai Tribe, consisting of the Salish, Pend d'Orielle, and Kootenai peoples.

Today, Tony is a highly respected tribal and community leader. For over 25 years, Tony, a fluent Salish language speaker, has served on the Culture Committee.

As young men, both Tony and his brother, Baptiste, left home to serve their country in Vietnam. Tony accompanied his brother's body home after he was killed in action.

Tony and his wife, Denise, have four children and have raised several foster children.

Finally, Mr. Speaker, I thank the Tribal Chairman Fred Matt for requesting that Tony be today's guest chaplain.

TRIBUTE TO FORMER MEMBER GERALD SOLOMON

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

Mr. DREIER. Mr. Speaker, I think most of my colleagues now are aware of the very sad news of the passing of our former colleague, Gerald Solomon, last Friday.

Jerry Solomon was a wonderful individual. He was a beloved figure both in this House and in his district in New York and across the country. He was an inspiration to so many of us. I had the privilege of succeeding him as chairman of the House Committee on Rules, and he provided me with a lot of direction, a lot of encouragement, and he often gave me lots of orders, too, some of which I followed.

He was an individual who was so proud of the United States of America. Today, people are regularly wearing American flags on their lapel. Jerry Solomon, when I first met him in 1978, wore a flag on his lapel and always did because he was a dedicated Marine. He was an individual who obviously loved his family, and he loved this institution and the United States of America.

Mr. Speaker, I would simply like to, on behalf of all of our colleagues, extend condolences to his wonderful wife, Freda, and the Solomon family, and to say that we truly miss a very, very dear friend, and we are all proud of the wonderful service that he provided to the United States of America.

STATE DEPARTMENT SHOULD GET ON MESSAGE WITH WHITE HOUSE

(Mr. NADLER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, this country is united in supporting the determination of President Bush to fight the terrorists across the world, to fight all those terrorist groups, as he said, with global reach. Apparently, however, the State Department has not gotten the message.

What are we to make of the fact that the State Department incessantly criticizes Israel for attacking terrorists who have attacked civilians in Israel in exactly the way the United States is trying to apprehend and kill Osama bin Laden and his followers; and the State Department spokesman says, ah, it is different, because there is an agreement with Israel to negotiate with the Palestinians. When the Palestinians engage in terror and break their agreement not to use violence, apparently our position is that Israel should remain defenseless and do nothing to reply; either do nothing or face the condemnation of our State Department.

The State Department should get on message with the President and the rest of the United States that is opposed to terror and thinks that people who are attacked by terrorists have the right to self-defense.

MEDAL OF VALOR FOR AMERICA'S HEROES ACT

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

Mr. GIBBONS. Mr. Speaker, today, we will consider House Concurrent Resolution 243, the Medal of Valor for America's Heroes Act.

Our Nation continues to mourn the many, many innocent citizens that were lost in the tragic events of September 11 and terrorist events since then. However, our Nation also celebrates the courage and dedication of the firefighters, police officers and medical personnel who worked around the clock to find survivors amidst the rubble in New York and Washington. These brave men and women were first on the scene and risked their lives to help their fellow Americans, and many of these brave souls made the ultimate sacrifice.

Mr. Speaker, it is only proper that the United States recognize these heroes and award them the Medal of Valor for their service. I encourage all my colleagues to support this resolution and for America never to forget our fallen heroes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are

ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

EXTENDING ELIGIBILITY FOR REFUGEE STATUS OF UNMARRIED SONS AND DAUGHTERS OF CERTAIN VIETNAMESE REFUGEES

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1840) to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees, as amended.

The Clerk read as follows:

H.R. 1840

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

SECTION 1. ELIGIBILITY FOR REFUGEE STATUS.

(a) *ELIGIBILITY FOR IN-COUNTRY REFUGEE PROCESSING IN VIETNAM.*—For purposes of eligibility for in-country refugee processing for nationals of Vietnam during fiscal years 2002 and 2003, an alien described in subsection (b) shall be considered to be a refugee of special humanitarian concern to the United States (within the meaning of section 207 of the Immigration and Nationality Act (8 U.S.C. 1157)) and shall be admitted to the United States for resettlement if the alien would be admissible as an immigrant under the Immigration and Nationality Act (except as provided in section 207(c)(3) of that Act).

(b) *ALIENS COVERED.*—An alien described in this subsection is an alien who—

(1) is the son or daughter of a qualified national;

(2) is 21 years of age or older; and

(3) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program or through the United States Consulate General in Ho Chi Minh City.

(c) *QUALIFIED NATIONAL.*—The term "qualified national" in subsection (b)(1) means a national of Vietnam who—

(1)(A) was formerly interned in a re-education camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

(B) is the widow or widower of an individual described in subparagraph (A);

(2)(A) qualified for refugee processing under the Orderly Departure Program re-education subprogram; and

(B) is or was accepted under the Orderly Departure Program or through the United States Consulate General in Ho Chi Minh City—

(i) for resettlement as a refugee; or

(ii) for admission to the United States as an immediate relative immigrant; and

(3)(A) is presently maintaining a residence in the United States or whose surviving spouse is presently maintaining such a residence; or

(B) was approved for refugee resettlement or immigrant visa processing and is awaiting departure formalities from Vietnam or whose surviving spouse is awaiting such departure formalities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days

within which to revise and extend their remarks and to include extraneous material on H.R. 1840, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 1840 extends eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees. It stems from the Orderly Departure Program which was established in 1979 to give eligible nationals of Vietnam an alternative method of emigrating to a foreign country, rather than undertake illegal hazardous departures by boat or land.

In 1989, the INS began adjudicating applications for refugee status in Vietnam for certain Vietnamese nationals who had been in reeducation camps for at least 3 years and widows of Vietnamese nationals who died as a result of confinement in the reeducation camps. The INS included unmarried sons and daughters 21 years and older based on case eligibility guidelines set up by the State Department 10 years earlier. However, this contradicted immigration regulations. INS had been treating those unmarried sons and daughters as derivative refugees, but the Immigration regulations defined derivative refugees as spouses and unmarried children under 21 years of age.

In April of 1995, the INS, with concurrence of the State Department, stopped accepting sons and daughters 21 years of age or older. In response to this modification, the McCain amendment was enacted to reestablish refugee eligibility to unmarried adult sons and daughters of the qualifying Vietnamese nationals. The legislation was retroactive to April 1, 1995, the date on which the modification had taken effect. It was extended in 1998.

The INS has denied derivative refugee status to those unmarried sons and daughters who failed to prove their family relationship with the principal applicant. The INS mistakenly denied some for no proof of family relationship when the applicant could not show he or she continuously resided with the parent. After determining that it was incorrectly denying some derivatives based on co-residency, the INS identified the entire caseload of improperly adjudicated derivative family member cases. The agency had until September 30, 2001 to correct the cases adjudicated on or after April 1, 1995, where the original denial was based solely on the issue of co-residency with the principal applicant.

The INS needs additional time to adjudicate pending cases under the McCain amendment. As such, H.R. 1840 extends the time to adjudicate these cases by 2 years. The intent of H.R. 1840 is to extend the same eligibility criteria applied to cases currently being processed under the McCain amend-

ment to individuals whose parent's case was processed prior to April 1, 1995. Accordingly, the act removes the date of April 1, 1995, imposed by the McCain amendment.

In addition to failure to prove co-residency, the INS has denied some cases because the applicants were unable to prove their family relationship to a principal applicant. Due to new identification methods, such as DNA, H.R. 1840 permits the INS to reconsider cases that were previously denied for failure of proof rather than just those cases that were denied based on the issue of cohabitation with the principal alien.

Finally, some sons and daughters have been denied derivative refugee status because their principal applicant parent has died, although the surviving parent resides in the United States or is awaiting departure formalities from Vietnam. Accordingly, H.R. 1840 expands eligibility to include these adult unmarried sons and daughters.

The bill has the support of its author, the State Department, the Justice Department, the INS, and it passed the Committee on the Judiciary unanimously. I urge my colleagues to support this bill.

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

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

Mr. Speaker, I rise in support of this bill. It is a reasonable bill that is based on a bipartisan agreement between members of the Committee on International Relations and the Committee on the Judiciary. The bill passed the Committee on the Judiciary by a voice vote.

Prior to April 1, 1995, refugees accepted for resettlement into the United States were allowed to bring their sons and daughters, even those above the age of 21, so long as they had never married and were members of the refugee parent's household. On April 1, 1995, the INS changed its interpretation of the then existing law to exclude children who were over 21, even if they were unmarried and living with their parents.

□ 1415

Mr. Speaker, in the case of South Vietnamese combat veterans and others who had suffered long terms in reeducation camps because of their wartime associations with the United States, this imposed a particularly harsh burden on the refugees and their children. These children had already been without their fathers throughout the time they were in reeducation camps, in some cases for 10 or 15 years.

The new rule was particularly harsh on young women. In Vietnamese society, a 21- or 22-year-old unmarried woman either lives with her parents or she is regarded as vulnerable and unprotected.

Recognizing these realities, Congress has three times adopted the McCain

amendment, which changes the INS interpretation of the law, so that refugees who are survivors of reeducation camps can once again be accompanied by their unmarried young sons and daughters.

Due to drafting mistake, the provision excluded sons and daughters who were mistakenly rejected before April 1, 1995. This bill will fix this problem once and for all, simply by enacting the very same rules for pre-April 1995 cases that already apply by law to cases after April 1, 1995. It is simple legislation, and it cures an injustice. It harms nobody, and I urge my colleagues to support this legislation.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. TOM DAVIS).

(Mr. TOM DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. TOM DAVIS of Virginia. Mr. Speaker, I thank the chairman for his courtesy and consideration in bringing this bill to the floor.

Mr. Speaker, I rise to express my strong support for H.R. 1840, a bill which will extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees.

The Communist government of Vietnam, by its actions in imprisoning Catholic priests, Buddhist monks, and ordinary citizens whose only crime is to speak out for freedom and democracy is saying loudly and clearly and consistently to the United States, we want American investment dollars and we are willing to learn from the American economic system, but American values of religious and political freedom are not welcomed.

We need to do more to respond to this message of oppression with our own message of freedom. Human rights needs to be central to our foreign policy toward Vietnam. One small step is to save as many as possible of the people who are still being persecuted by the Communist authorities because of their wartime associations with the United States, or simply because they share our values.

Mr. Speaker, until 1995, those refugees who were eligible to resettle in the United States under the HO component of the Orderly Departure Program, which is limited to persons who served 3 or more years in reeducation camps after the Communist takeover of Vietnam in 1975, were allowed to bring their children with them. This policy included unmarried children who had reached the age of 21 during the period of the refugee's incarceration or during the long wait to receive an exit visa from the Communist authorities.

I introduced this resolution several months ago to address a specific immigration concern. Until April 1, 1995, former Vietnamese prisoners of war who were accepted for resettlement by

the United States as refugees could bring their sons and daughters, even those above the age of 21, so long as they had never married and were members of the refugee parent's household. On April 1, 1995, INS changed its interpretation of the then-existing law to exclude children who were over 21, even if they were unmarried and living with their parents. This abrupt decision reversed our humanitarian pro-family policy. This change in policy forced a brutal choice on ex-political prisoners: either decline the opportunity to find freedom in the United States, or abandon their children in a country that has persecuted them.

In 1996 Congress adopted the McCain amendment to make clear that unmarried adult sons and daughters of reeducation camp internees are refugees of special humanitarian concern under U.S. law. Unfortunately, difficulties in interpretation and implementation of this provision have left hundreds of refugee families still separated.

For South Vietnamese combat veterans and others who had suffered long terms in reeducation camps because of their wartime associations with us, this imposed a particularly harsh burden on both them and their children. These children had already been without their fathers when they were in reeducation camps, in some cases for 10 or 15 years. Then the refugees were given a choice between living forever under a Communist dictatorship or leaving their children behind when they immigrated to the United States. These children are marked as members of a counterrevolutionary family and denied educational and employment opportunities by the Government of Vietnam. They would certainly go on suffering in Vietnam because of their families' participation in the war.

Additionally, the new INS rule was particularly harsh to young women. In Vietnamese society, a 21- or 22-year-old girl either lives with her parents or is regarded as vulnerable and unprotected.

Recognizing these realities, Congress on three occasions adopted the McCain amendment which changed the INS interpretation of the law so that refugees who are survivors of reeducation camps can once again be accompanied by their unmarried sons and daughters.

The latest extension expired on September 30. My bill will extend the McCain amendment for 2 years and fix a drafting problem in the language. This bill will allow over-21 unmarried sons and daughters and widows of qualified reeducation detainees to be considered for resettlement as refugees to the United States, regardless of the date of acceptance.

H.R. 1840 is a fair and equitable bill that will provide family reunification and allow us to keep our promise to the people who fought alongside U.S. troops during the Vietnam War. Their courage and valor must never be forgotten.

Mr. Speaker, I thank the gentleman from Texas (Mr. ARMEY) and the gen-

tleman from Wisconsin (Mr. SENSENBRENNER) for their leadership, and their respective staffs. I urge my colleagues to give this legislation their support.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from New York (Mr. NADLER) and the gentleman from Wisconsin (Mr. SENSENBRENNER), and I particularly want to thank the gentleman from Virginia (Mr. TOM DAVIS) for introducing this legislation.

This would appear to be a minor, technical correction; but it makes a major change in the lives of a great many American families. I use the term "American families" deliberately. I challenge Members to find any group of immigrants any more committed to the United States and its values than Vietnamese refugees. The Vietnamese American families are extremely patriotic. They put many of us to shame.

The fact is that their sons and daughters are being stigmatized, penalized because of their family ties. The limitations, both social and economic that are placed on them, are unfair. The right thing to do is to let them be reunited with their families. This is a good bill. I am glad it is going to pass unanimously.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLENGER).

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

Mr. BALLENGER. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me this time.

Mr. Speaker, upon assuming control of the entire nation of Vietnam, the Communist Government imprisoned many of its citizens in reeducation camps where they endured brutal conditions. Many died due to abuse and deprivation. Most of those placed in these camps were sent there because of their service to the governments of South Vietnam and the United States during the Vietnam War.

In 1979, the Orderly Departure Program was created to provide a way for the immediate relatives of those who spent 3 years or more in those camps, and the widows of those who died in the camps to immigrate to the United States. I know a number of these people who now reside in my congressional district and work in a business that I founded. They are productive and patriotic citizens.

However, when the deadline to register for the program expired, many qualified beneficiaries were left behind. The bill of the gentleman from Virginia (Mr. TOM DAVIS), H.R. 1840, will offer these individuals an opportunity to be considered for admission under the Ordinary Departure Program through the fiscal year 2003. I support the bill. It is a fair and honorable way

to help the families of the brave men and women who endured great suffering for their service to the cause of democracy and their support of the American military and civilian personnel during the Vietnam War.

Mr. Speaker, I ask Members to vote for H.R. 1840.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 1840, which seeks to correct a technical flaw in the immigration and naturalization processes pertaining to refugees of Vietnam and their adult children.

In 1989 the INS granted refugee status to Vietnamese citizens imprisoned in Vietnamese forced reeducation camps. Approximately 200 adult children of those detained in camps were mistakenly denied admission into the United States due to a 1995 change in INS regulations. These regulations have since been changed to correct this error.

Current law stated that INS was to review all such applications by September 30, 2001. This deadline has been outpaced by events, and H.R. 1840 fixes this problem by extending the reapplication deadline to September 2003. I support this legislation because it seeks to remedy an injustice, and because the remedy it provides is comprehensive and narrowly constructed.

H.R. 1840 allows for petitions denied both before and after April 1995 to be reexamined for erroneous denials. Also, this bill will allow adult unmarried children with only one surviving parent with U.S. residency claims to apply as well. This is a further example of how successful our immigration policies can be at promoting societal stability. This legislation recognizes and rewards family bonds. It does so in a way that recognizes the temporal importance of remedying this problem for the health and well being of those Vietnamese refugees involved.

Mr. Speaker, many communities, including my own district in Houston, Texas enjoy thriving Vietnamese populations as a result of immigration. H.R. 1840 promotes greater stability in those communities, as adults who are growing older will be allowed to do so with increased peace of mind that their loved ones might be able to help them grow old with love and dignity. These benefits surely redound to larger society as well by promoting stable families and safer communities. I therefore urge members to support this legislation.

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

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1840, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PRESENTATION OF PUBLIC SAFETY OFFICER MEDAL OF VALOR IN RESPONSE TO TERRORIST ATTACKS OF SEPTEMBER 11, 2001

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 243) expressing the sense of the Congress that the Public Safety Officer Medal of Valor should be presented to the public safety officers who have perished and select other public safety officers who deserve special recognition for outstanding valor above and beyond the call of duty in the aftermath of the terrorist attacks in the United States on September 11, 2001.

The Clerk read as follows:

H. CON. RES. 243

Whereas on September 11, 2001, terrorists hijacked and destroyed 4 civilian aircraft, crashing 2 of them into the towers of the World Trade Center in New York City, a third into the Pentagon, and a fourth in rural southwest Pennsylvania;

Whereas thousands of innocent Americans and many foreign nationals were killed and injured as a result of these surprise terrorist attacks, including the passengers and crews of the 4 aircraft, workers in the World Trade Center and the Pentagon, firefighters, law enforcement officers, emergency assistance personnel, and bystanders;

Whereas hundreds of public safety officers were killed and injured as a result of these terrorist attacks because they immediately rushed to the aid of innocent civilians who were imperiled when the terrorists first launched their attacks, many of whom would perish when the twin towers of the World Trade Center collapsed upon them;

Whereas thousands more public safety officers are risking their own lives and long-term health in sifting through the aftermath and rubble of these terrorist attacks to recover the dead;

Whereas the Public Safety Officer Medal of Valor Act of 2001 (Public Law 107-12; 115 Stat. 20) authorizes the President to award and present, in the name of Congress, a Medal of Valor to public safety officers for extraordinary valor above and beyond the call of duty;

Whereas the Attorney General of the United States has discretion to increase the number of recipients of the Medal of Valor under that Act beyond that recommended by the Medal of Valor Review Board in extraordinary cases in any given year;

Whereas the terrorist attacks in the United States of September 11, 2001, and their aftermath constitute the single most deadly assault on our American homeland in our Nation's history; and

Whereas those public safety officers who have perished and those who lead the efforts to rescue innocent civilians from the terrorist attacks, are the first casualties and veterans of America's new war against terrorism, which was authorized by the authorization for use of military force enacted September 14, 2001: Now, therefore, be it

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

(1) the President should award and present, in the name of Congress, a Public Safety Officer Medal of Valor to those public safety officers who were killed in the terrorist attacks in the United States on September 11, 2001; and

(2) the President should award and present a Public Safety Officer Medal of Valor to

those public safety officers who have earned special recognition for outstanding valor above and beyond the call of duty as named—

(A) in consultation with the Mayor of the City of New York and Governor of the State of New York for the attacks on New York—

(i) Commissioner of the New York City Police Department;

(ii) Commissioner of the New York City Fire Department; and

(iii) Executive Director of the Port Authority of New York and New Jersey;

(B) in consultation with the Chair of the Washington Metropolitan Council of Governments, including the sitting Chairs of the Police and Fire Chief Committees; and the Fort Myer Federal Fire Chief, and the Governor of the Commonwealth of Virginia for the attack at the Pentagon—

(i) Fire Chief of Arlington County, Virginia; and

(ii) Police Chief of Arlington County, Virginia; and

(C) in consultation with the Governor of the Commonwealth of Pennsylvania for the plane crash in Pennsylvania—

(i) Commandant of the Pennsylvania State Police; and

(ii) Adjutant General of the Pennsylvania National Guard,

or any of their designees, for their heroic actions on September 11, 2001, and thereafter during the rescue and recovery missions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 243.

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

There was no objection.

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

Mr. Speaker, of the thousands of people killed on September 11, over 400 were public safety officers. These brave men and women dedicated their lives to the protection of life and property, and in so doing made the ultimate sacrifice. Since that day, thousands of their fellow officers from around the country responded to the attacks and have worked tirelessly at the World Trade Center, the Pentagon, and western Pennsylvania, and, indeed, all around America and the rest of the world.

I believe it fitting and proper that our Nation honor not only those public safety officers who gave their lives, but also the officers who have demonstrated the highest forms of heroism and valor in the wake of these tragic events.

Mr. Speaker, the Public Safety Officer Medal of Valor Act of 2001 was signed into law on May 30. This act established a national medal to be given by the President in the name of the

United States Congress to a public safety officer who has displayed extraordinary valor above and beyond the call of duty. The Public Safety Officer Medal Of Valor is the highest national award for valor that can be given to a firefighter, law enforcement officer, or emergency services officer.

Under this new law, the Attorney General of the United States is charged with selecting the recipients of the medal and is limited to selecting not more than five recipients in a given year. However, in extraordinary circumstances, the Attorney General may increase the number of medals to be awarded in a particular year. Mr. Speaker, no one can argue that the events that occurred on September 11, and the acts of bravery and valor that followed, were anything but extraordinary circumstances. House Con. Res. 243 expresses the sense of Congress that the Public Safety Officer Medal of Valor should be presented to all the public safety officers who were killed in the terrorist attacks on September 11, 2001.

Further, the concurrent resolution states that the Medal of Valor should be presented to those officers who have earned special recognition for outstanding valor for their actions in the hours, days, and weeks following the terrorist attacks.

These officers will be selected in consultation with the Governor of New York, the Mayor of the City of New York, the Governor of Virginia, and the Governor of Pennsylvania, and other officials who have firsthand knowledge of the heroic efforts made by these men and women.

On October 11, 2001, a day of violence, horror and great sadness, America's public safety officers gave their lives trying to save others. They also performed their duties heroically in the face of adversity and tragedy.

Mr. Speaker, I urge my colleagues to support this concurrent resolution and to provide the many heroes around the country with appropriate recognition by urging the Attorney General to present them with the highest national public safety officer award for valor.

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

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

Mr. Speaker, I rise in strong support of this resolution, expressing the sense of the Congress that the Public Safety Officer Medal of Valor should be presented to the public safety officers who have perished and select other public safety officers who deserve special recognition for outstanding valor above and beyond the call of duty in the aftermath of the terrorist attacks in the United States on September 11, 2001.

□ 1430

The ruthless attacks on the United States by an organized band of terrorists stands in stark contrast to tremendously heroic efforts of our public safety officers who gave their lives so that

others may live. Our firefighters, police, and emergency rescue personnel rushed to the scene and rescued thousands of people in what was probably the greatest rescue operation in history. Many lives were lost, but many, many more were saved, thanks to the courage of those we seek to honor here today with this resolution. Their actions are not simply commendable, they should serve as the definition of bravery. These men and women ran into not just a burning building, but two of the tallest buildings in the world that had just been hit by jet airplanes full of jet fuel. The flames were so hot they actually melted steel. Tragically, many victims chose certain death by jumping from the towers to escape the blazing heat. Yet into this heat our firefighters charged. We have heard stories of firefighters who climbed 60, 70, even 80 stories to rescue victims. As survivors came down the stairs, they told the stories of firefighters last seen headed up the stairs. Countless people have come forward to acknowledge that firefighters and police officers saved their lives on September 11. Tragically, many of them were on the scene when the towers came down all around them. They made the ultimate sacrifice, as they too became victims of the terrorist attacks.

And even the collapse of these mammoth buildings was not enough to scare off our public safety officers. After the buildings came down, again police, firefighters and rescue personnel were on the scene, rescuing those whom they could reach, evacuating the area, tending to the injured, and dousing flames that threatened others. Thankfully, the media has done a wonderful job of telling their stories and making the public aware of the heroes amongst us. Sadly, there are too many stories to tell, because the magnitude of the tragedy was so great. It is for us here today to once again honor their sacrifice and bestow high honor upon these American heroes.

This bill will express the sense of the Congress that the President should award and present, in the name of Congress, a Public Safety Officer Medal of Valor to those public safety officers who were killed in the terrorist attacks on September 11 or who have earned special recognition for outstanding valor above and beyond the call of duty. The bill urges the President to work with the State and local elected officials and the various police and fire commissions in New York, Pennsylvania and Virginia to select those individuals who should be awarded the Medal of Valor.

I want to thank the majority for bringing this resolution to the floor in an expeditious manner, and I want to commend the sponsor of the resolution, the gentleman from New York (Mr. CROWLEY).

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. CROWLEY), the sponsor of this bill.

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

Mr. CROWLEY. Mr. Speaker, I thank my friend and colleague from New York for yielding me this time.

I introduced this legislation, the Medal of Valor for America's Heroes Act, with the gentleman from New York (Mr. FOSSELLA) and the gentleman from New York (Mr. ENGEL) and well over 250 other Members of Congress as a way to thank those brave men and women and dedicated public safety officers who risked their lives and, in far too many cases, lost their lives to protect countless thousands of others, whether it be on September 11 or any of the other 364 days of the year. This bill will provide a Medal of Valor award, the highest national award for valor for a public safety officer, to the public safety officers who perished in the attacks of September 11 of this year, as well as allow other officers who served above and beyond the call of duty to also receive recognition.

By honoring those who died, we also honor those who live on and embody the spirit of those who paid the ultimate sacrifice for the well-being of others. Over the coming years, we will hear tremendous stories of heroic measures. One such story I have heard already is that of Captain Patrick Brown of the 3 Truck on 13th Street in Manhattan. My cousin Michael, whose brother John was killed on that fateful day, works in 3 Truck on 13th Street and was a close friend to Pat and 11 of the members of that firefighter unit that were lost that day.

He told me of a radio message that day from the 32nd floor of Tower One. Mike had told me that Pat and other members of 3 Truck were with about 40 injured people on their way down from the building. Pat Brown was one of the most decorated members of the FDNY and when he spoke, everyone listened. A few moments after giving his location in the tower, he radioed again, except this time it was a May Day call and that the walls of the building were buckling. This was a full 10 minutes before the building actually collapsed. It gave firefighters and unknown numbers of rescue workers and victims time to evacuate the building.

Pat Brown and the other men of 3 Truck were in impeccable condition and could have easily gotten out of the building, but Pat Brown called back on his radio that he would be staying behind, that he and the other members from Truck 3 would be staying behind with the injured victims, knowing that they too would meet the same fate. If that is not heroism, I do not know what is.

While these people do not want our accolades, we the survivors and mourners feel the need to extend to them not only our gratitude but also something larger that states that they are not forgotten. This is the first time that this award will be bestowed, and I am encouraging the Attorney General to use

the remains of the World Trade Center as the metal for this award, the metallic structure that is now a debris on Staten Island, an award that is an official recognition of the heroic works of the people who do not view their work as heroic. It is a way to say thank you to those who do not believe they deserve thanks for doing their job, and it is a way for us to recognize the heroic actions, not only for those who died but those who still work on protecting all of us each day. It is a way that someone like myself, who was affected by the tragedy on so many levels, can say thank you to my cousin John Moran, who did what he considered was his job and what I consider an act of bravery.

For far too long, many of us have taken our fire, police and emergency medical personnel for granted. This bill acts as a public thank you, both to those that perished and those that still work on to protect our civil society. But let us not all support this resolution and think we have done all we need to do for our public safety officers. We need to not only salute them and respect them every day, but we need to advocate for them as well. Congress needs to pass legislation to create a new Fire Corps to bring up to 75,000 new firefighters into our communities. And every community and our Federal Government needs to remember the heroism seen in Virginia, Pennsylvania and especially in New York City when calculating their budgets. We can no longer shortchange these people with respect to their livelihoods, with respect to their pay and benefits.

My friend and colleague the gentleman from New York (Mr. WEINER) successfully led the charge to increase the Public Safety Officers Benefit. I salute him for that. And our New York delegation has worked to ensure that emergency medical personnel are covered under the PSOB program as well in this case. But they should be completely covered under this valuable program in all circumstances.

The work of the police, fire and EMT professionals, and they are professionals, is not very glamorous but it is critical and should be celebrated. While everyone in our Nation hopes and prays that we never have a tragedy like the one of September 11 again, let us hope that we all learn from it. Let us hope that we never take these people for granted, the people who run into burning buildings when everyone else is running out; the people that chase after criminals rather than hide and get out of their way; the people that resuscitate and provide for our sick and dying rather than panic and overreact. And let this award serve as a beginning and not an end to the accolades that these heroes so rightly deserve.

On that terrible day of September 11, 2001, Osama bin Laden, al-Qaeda and all those responsible for these terrorist attacks only saw the twin towers of the World Trade Center. They failed to see

the millions and millions of patriots behind them, and that will lead to their downfall. The men and women of the New York Fire Department, Police Department, Port Authority Police and EMS and EMT and volunteer workers were the first in line behind the twin towers.

In conclusion, I want to thank Chairman SENSENBRENNER, Ranking Member CONYERS and my good friend and colleague the gentleman from New York (Mr. NADLER) for the committee's expedited treatment of this bill, as well as the outpouring of support from my colleagues in Washington, my neighbors in New York and all the people of the country for their appreciation of America's everyday heroes.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I thank my friend and colleague the gentleman from New York (Mr. NADLER) for yielding time.

Mr. Speaker, on September 11, the world watched in horror as the symbol of our Nation's wealth, the World Trade Center, and our Nation's military might, the Pentagon, were viciously attacked. There is an aching in our hearts as we mourn for the senseless loss of life and we share the grief of the victims' families, friends and co-workers.

As the list of casualties from Pennsylvania, the World Trade Center and the Pentagon grows to over 5,000 people, it is frightening to imagine that the toll would have been higher were it not for the extraordinary courage and valor exhibited by our firefighters, police officers and emergency rescue workers. That is the reason that I so strongly support House Concurrent Resolution 243, which will allow us to honor the valor of the public safety officers who answered the call of duty on September 11. In my own congressional district, the brave and heroic men and women of the Arlington County, City of Alexandria and Fairfax County Fire and Rescue Departments and Police Departments should be particularly honored.

These, along with the Federal firefighters at Fort Myer and the Defense Protection Service, were the emergency personnel who first responded to the attack on the Pentagon. Every day these men and women face risks and challenges that few of us can relate to. It is our natural reaction when there is a fire to run away from it. Their professional responsibility is to run into it. On September 11, with little regard for their own safety and well-being, they responded within minutes after the attack on the Pentagon. The Arlington County Fire and Police Departments, which have primary responsibility for first response at the Pentagon, were right there on the scene along with the firefighters and Emergency Medical Service personnel from Alexandria and Fairfax Counties who were assisted by any number of other

response teams from around the area and really around the country. They courageously fought the flames, rescued victims trapped inside the building, and treated and transported the injured.

Mr. Speaker, I would like to express my wholehearted gratitude towards these men and women on behalf of the families whose loved ones were saved because of their heroic efforts. Together with the Fire and Police Departments of New York City, they do deserve our admiration and our pride. I trust that this resolution will pass unanimously. I commend the gentleman from New York for offering it, and I appreciate the opportunity to support it.

Mr. ENGEL. Mr. Speaker, I rise today in strong support of this resolution to provide the Public Safety Officer Medal of Valor to some of the greatest heroes our Nation has ever known. I want to thank my colleague from New York for introducing and shepherding this through the House so quickly. I also want to take this opportunity to extend my heartfelt condolences to him for the personal loss he has suffered as a result of September 11th.

The men and women who responded to the World Trade Center, Pentagon, and Pennsylvania crash site put themselves in harm's way in order to save the lives of countless others. In the case of New York, we all know that there were tragic results. As I watched from my apartment in the Bronx, not only did the World Trade Center Towers come crashing down, but hundreds of firefighters lost their lives. I must admit at that moment I was full of despair.

But then, like a light shining through the dark storm clouds, I saw even more emergency personnel going into Ground Zero. Through the horror of the events, my spirits rose as I saw time and time again, firefighters, police officers, and emergency medical personnel pull people out.

It is very fitting that we honor these men and women with this medal. I urge my colleagues to vote yes on this resolution.

Mr. FERGUSON. Mr. Speaker, I stand in support of H. Con. Res. 243.

Earlier this year we had the opportunity to create the Public Safety Officer Medal of Valor.

Today we have the obligation to use this medal to honor those who have served the public safety of our Nation.

Mr. Speaker, this bill does more than urge the president to award the Medal of Valor—the highest honor for public safety officers—to those who were killed in the terrorist attacks of September 11.

It also honors those who displayed valor above and beyond the call of duty through their heroic actions on that fateful day, and during the rescue and recovery missions that followed.

These brave souls, although not public safety officers, still acted in line with and gave their lives for the highest ideals of that fine profession.

Mr. Speaker, I think of the courageous men and women of the Port Authority who, because of where they worked, felt empowered and compelled to risk and, in some cases, sacrifice their lives to help their fellow workers in the World Trade Center. By going above

and far beyond the call of duty, these real heroes gave us something to be proud of and someone to look up to.

These valiant individuals are also public safety officers, employed by a situation out of their control and paid by an opportunity to serve their fellow man.

Mr. Speaker, I would also like to offer my thanks and praise to New Jersey Port Authority Chairman Lew Eisenberg. I struggle to imagine what these past weeks would have been like without his leadership and caring attention to the technical and human concerns we have all shared.

I can think of no more fitting tribute to these men and women than the awarding of the Public Safety Officer Medal of Valor.

I ask my colleagues to remember their support for the creation of this medal, and ask them to recall why we did it.

I believe it was for such an occasion of bravery as September 11 inspired that we voted Yes on that day, and why we must also vote Yes today.

Ms. JACKSON-LEE of Texas. Mr. Speaker, last May this body established the Public Safety Officer Medal of Valor to honor those firemen, police officers, EMTs, and other who demonstrate "extraordinary valor above and beyond the call of duty."

That action was prescient because we are now faced with a situation that warrants the distribution of this highest honor to a number of heroes within the public safety sector that exemplify its standards. H. Con. Res. 243 rightly expresses the sense of this body that those public safety officers that lost their lives in the September 11 attacks on American soil should be conferred this high honor. This body is also right to declare that there are other public safety officers who deserve special recognition for their actions in the aftermath of these attacks.

As we continue to fight this new war, Americans are constantly reminded that the nature of a public safety officer's job involves the potential for the ultimate sacrifice. As the representatives of the American people, our actions today reflect the gratitude of our constituents to those who work to ensure a stable, safe, and just society.

In his famous 1838 address before the Young Man's Lyceum of Springfield, Illinois, Abraham Lincoln spoke the following words regarding danger within our nation's borders:

"At what point then is the approach of danger to be expected? I answer, if it ever reach us, it must spring up amongst us. It cannot come from abroad. If destruction be our lot, we must ourselves be its author and finisher. As a nation of freemen, we must live through all time . . ."

Though Lincoln's words did not portend the blending of home and abroad in the manner that it has presented itself, his sentiment is as relevant now as it was then. Our public safety officers allow us the best hope of destroying the dangers we now see before us. Finding a fitting testament to their bravery is the obligation of this great Nation.

Mr. GILMAN, Mr. Speaker, I rise in strong support of H. Con. Res. 243, respectfully calling on the President to award and present, in the name of Congress, a public safety officer Medal of Valor to those public safety officers who were killed in the terrorist attacks in the United States on September 11, 2001. This resolution also requests that the President

honor other select public safety officers who displayed valor and courage above and beyond the call of duty on September 11th and in the subsequent rescue and recovery efforts that followed the terrorist attacks on our Nation.

On that horrible day in September, a day of infamy, our Nation witnessed the best and the worst of humanity. The despicable and cowardly terrorist acts were valiantly countered with the incredible heroism and courage of our firefighters, law enforcement officers, emergency personnel, and our fellow citizens.

It is incumbent upon our Nation to honor these heroes, be they here or departed. Bestowing the Public Safety Officer Medal of Valor on these deserving men and women. It is a fitting tribute to their memory and their contribution to our Nation's freedom. Accordingly, I urge my colleagues to fully support this important measure.

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

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 243.

The question was taken.

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

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

The yeas and nays were ordered.

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

FEDERAL LONG-TERM CARE INSURANCE AMENDMENTS ACT

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2559) to amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance.

The Clerk read as follows:

H.R. 2559

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

SECTION 1. DEFINITION OF AN ANNUITANT.

Paragraph (2) of section 9001 of title 5, United States Code, is amended to read as follows:

“(2) ANNUITANT.—The term ‘annuitant’ means—

“(A) any individual who would satisfy the requirements of paragraph (3) of section 8901 if, for purposes of such paragraph, the term ‘employee’ were considered to have the meaning given to it under paragraph (1) of this subsection; and

“(B) any individual who—

“(i) satisfies all requirements for title to an annuity under subchapter III of chapter 83, chapter 84, or any other retirement system for employees of the Government (whether based on the service of such individual or otherwise), and files application therefor;

“(ii) is at least 18 years of age; and

“(iii) would not (but for this subparagraph) otherwise satisfy the requirements of this paragraph.”.

SEC. 2. PREEMPTION.

Section 9005 of title 5, United States Code, is amended—

(1) by inserting “(a) CONTRACTUAL PROVISIONS.—” before “The”; and

(2) by adding at the end the following:

“(b) PREMIUMS.—

“(1) IN GENERAL.—No tax, fee, or other monetary payment may be imposed or collected, directly or indirectly, by any State, the District of Columbia, or the Commonwealth of Puerto Rico, or by any political subdivision or other governmental authority thereof, on, or with respect to, any premium paid for an insurance policy under this chapter.

“(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to exempt any company or other entity issuing a policy of insurance under this chapter from the imposition, payment, or collection of a tax, fee, or other monetary payment on the net income or profit accruing to or realized by such entity from business conducted under this chapter, if that tax, fee, or payment is applicable to a broad range of business activity.”.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect as if included in the enactment of section 1002 of the Long-Term Care Security Act (Public Law 106-265; 114 Stat. 762).

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

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

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2559.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 2559. Last year, Congress enacted the Long-Term Care Security Act. That bill established a program to permit the Federal Government to offer private long-term care insurance at a group discount as an employment benefit. Beginning in October of 2002, Federal employees, civilian retirees and active and retired members of the military will be eligible to purchase long-term care insurance through this new program.

□ 1445

H.R. 2559 will improve that program. This bill expands the population served by the Federal Government's long-term care program.

Mr. Speaker, many individuals leave Federal employment before they are entitled to an immediate annuity, even though they worked long enough to earn retirement at a later date. Currently they are not eligible to partici-

pate in the long-term care insurance program. H.R. 2559 will rectify this situation. Such individuals will be eligible to buy long-term care insurance through the program when they file for their deferred annuity.

In order to hold down premium costs, the bill also exempts policies issued under the program from premium taxes imposed by States, local governments, and the Commonwealth of Puerto Rico. Similar exemptions already exist for premiums paid under the Federal Employees Health Benefits Program and Federal Employees Group Life Insurance Program.

Exempting premiums from these taxes will reduce premiums in two ways. First, of course, the cost of long-term care insurance will be lower simply because the premiums will not have to build in the amount of the taxes. Second, the carriers will not have to incur the cost of complying with the wide array of premium tax laws that differ from jurisdiction to jurisdiction.

Lower costs mean lower premiums. The Office of Personnel Management estimates that the exemption will shave long-term care premiums by 2.5 percent. This is important because potential consumers of long-term care insurance are very sensitive to price.

I would also note, Mr. Speaker, that the Long-Term Care Security Act intends that the Office of Personnel Management will perform many of the consumer protection functions traditionally conducted by State insurance commissioners. These changes will be effective as if enacted in the Long-Term Care Security Act and will substantially improve the Federal Government's long-term care insurance program.

I encourage all Members to support H.R. 2559.

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

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

Mr. Speaker, I am pleased to be an original cosponsor of H.R. 2559. It will improve the Federal long-term care insurance program, which was created last year by the Long-Term Care Security Act.

Last session, the gentleman from Florida (Mr. SCARBOROUGH), the gentleman from Maryland (Mr. CUMMINGS), the gentlewoman from the District of Columbia (Ms. NORTON), the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Florida (Mr. MICA), and the gentleman from Maine (Mr. ALLEN) worked in a bipartisan way to bring a long-term care insurance program to Federal employees.

The Long-Term Care Security Act authorizes the Office of Personnel Management to purchase group long-term insurance policies from qualified private sector contractors, thereby making long-term care insurance available to Federal employees, Federal retirees, and their family members. The corrections to the Long-Term Care Security

Act proposed in H.R. 2559 will continue to ensure that the best possible program is being designed for Federal employees.

Under the Long-Term Care Corrections Act, all Federal employees entitled to an annuity under the Federal Retirement System will be eligible to participate in the long-term care program, as was intended when the Long-Term Care Security Act was enacted.

Additionally, as in the case with the health and life insurance policies issued through the Federal Employees Health Benefits Program and the Federal Employees Group Life Insurance Program, long-term care insurance policies issued through the Federal long-term care program would be exempt from premium taxes imposed by States and local governments, making premiums competitive for Federal employees. Obviously, this program improves substantially the health benefits program for Federal employees.

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

Mr. MORAN of Virginia. Mr. Speaker, I thank the distinguished gentleman from Illinois for yielding me time.

Mr. Speaker, I just want to rise to reflect the broad-based support that this provision has within the Congress. This is not going to cost the American taxpayer any money, but it will provide some personal security for the great many Federal employees who need long-term care insurance.

This was a good idea. There were any number of Members, particularly from the Washington metropolitan area, who pushed it. It is an important benefit, and it is one that all of the Federal workers throughout the country are going to appreciate. And particularly at this time when they are working under such fear and anxiety, it is the appropriate thing to do. I know it will be much appreciated.

So I strongly support this measure. I thank the gentlewoman from Virginia and the gentleman from Illinois for bringing it to the floor today.

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

Mr. Speaker, I simply reiterate my strong support for this excellent legislation.

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

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

H.R. 2559 has strong bipartisan support. The Office of Personnel Management and long-term care insurers also support it. It will substantially improve the Federal Government's long-term care insurance program, and I urge all Members to support this measure.

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion

offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 2559.

The question was taken.

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

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

The yeas and nays were ordered.

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

CONGRATULATING BARRY BONDS FOR RECORD-BREAKING SEASON

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 266) congratulating Barry Bonds on his spectacular, record-breaking season for the San Francisco Giants and Major League Baseball.

The Clerk read as follows:

H. RES. 266

Whereas Barry Bonds has brought distinction to Major League Baseball and excellence to the San Francisco Giants, following in the baseball footsteps of his father, Bobby Bonds, and his godfather, Willie Mays;

Whereas Barry Bonds has had an outstanding career that so far includes 3 Most Valuable Player awards, 10 All-Star Game appearances, 8 Rawlings Gold Glove awards, and the distinction of being named Player of the Decade for the 1990s by the Sporting News;

Whereas in 2001 Barry Bonds had one of the greatest seasons in Major League Baseball history, achieving 73 home runs, a slugging average of .863, and an on-base percentage of .515;

Whereas Barry Bonds has established himself as the most prolific single-season home run hitter in Major League Baseball history, hitting his 73rd home run on October 7, 2001, eclipsing the previous record of 70 home runs set by Mark McGwire in 1998;

Whereas Barry Bonds has attained the rank of 7th place on the all-time Major League Baseball home run list with 567;

Whereas Barry Bonds drove in 136 runs to set a Giants franchise record for runs batted in by a left fielder, and has recorded at least 100 RBI's in each of 10 different seasons;

Whereas of Bonds' 73 home runs, 24 gave San Francisco the lead and 7 tied the game;

Whereas Barry Bonds also hit the 500th home run of his career during the 2001 season, a 2-run game-winning home run which landed in the waters of McCovey Cove, San Francisco;

Whereas Barry Bonds, at age 37, is the oldest player in Major League Baseball history to hit more than 50, 60, and 70 home runs in a single season;

Whereas Barry Bonds has recorded 484 stolen bases in his career, becoming the only Major League Baseball player to both hit more than 400 home runs and steal more than 400 bases;

Whereas Barry Bonds' 233 stolen bases achieved while playing for San Francisco place him 6th on the Giants franchise list behind his father, Bobby, who is 5th with 263 stolen bases;

Whereas Barry Bonds has proven himself to be an active leader not only in the Giants

clubhouse but also in the community, donating approximately \$100,000 to the September 11th Fund to aid the victims of the terrorist attacks in New York, Washington, D.C., and Pennsylvania; and

Whereas Barry Bonds has also devoted his time and money to support the Link & Learn Program of the United Way, and has been an active participant in numerous other San Francisco Bay area community efforts: Now, therefore, be it

Resolved, That the House of Representatives congratulates Barry Bonds on his spectacular record-breaking season in 2001 and outstanding career in Major League Baseball, wishes him continued success in the seasons to come, and thanks him for his contributions to baseball and to his community.

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

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

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 266.

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

There was no objection.

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

Mr. Speaker, I commend my distinguished colleagues, the gentlewoman from California (Ms. PELOSI), the author of this resolution; and the gentleman from California (Mr. OSE), who sponsored a similar resolution, House Resolution 262, for introducing these measures.

This resolution congratulates Barry Bonds for his spectacular record-breaking season in 2001 and his outstanding career, wishes him continued success, and thanks him for his contributions to baseball and his community.

Mr. Speaker, no player has hit as many home runs, 73, in a single season, as San Francisco Giants outfielder Barry Bonds did during this baseball season; but he also accomplished much more than just setting this record. To fully appreciate the remarkable season that Barry Bonds had this year, we must also consider these other achievements.

During this season, Barry Bonds had the highest slugging percentage in a single season at .863. He joined the immortal Babe Ruth as the only hitter to finish a season with a slugging percentage over .800. Furthermore, Barry Bonds had an on-base percentage of .515 in the past 100 years, only four other players finished a season above the .500 mark. Barry Bonds is the first to do so since 1957. He also broke the single-season record for walks with 177.

These accomplishments further adorn a career noted for excellence. Barry Bonds has received three Most Valuable Player awards, eight Gold Gloves, and was named Player of the

Decade for the 1990s by the Sporting News.

Mr. Speaker, Barry Bonds's roots in California run deep. He was born in Riverside, California. He graduated from Sierra High School in San Mateo. After attending college at Arizona State, he now both plays professional baseball and resides in California.

His community activity has included generous support of the United Way's Link & Learn Program and many other San Francisco Bay Charities. He also donated around \$100,000 to the September 11 fund to aid the victims of the terrorist attacks.

Barry Bonds has been a beacon of quiet resolve and hard work and an inspiration to his teammates and to all Americans. I urge all Members to recognize Barry Bonds's extraordinary athletic achievements and his community spirit by supporting this resolution.

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

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

Mr. Speaker, I must confess that I grew up as a Brooklyn Dodgers and St. Louis Cardinals fan; and then after moving to Illinois, I became a White Sox and a Cubs fan. But on Sunday, October 7, I think everybody who loves baseball was a San Francisco Giants fan, because it was on Sunday, October 7, 2001, that Barry Bonds, the San Francisco Giants outfielder, hit his 73rd home run, a Major League record, and shattered the slugging percentage record that Babe Ruth held since 1920.

16 years ago, Bonds started out as a Pittsburgh Pirate, when he was sixth in Rookie of the Year. Today, Bonds has passed some of baseball's greatest legends on the career home run list.

Bonds finished the season with a .328 batting average, career high 137 RBIs, and a slugging percentage of .863, easily surpassing the mark of .847 that Ruth set in 1920. Bonds also broke Ruth's major league record by walking 177 times this season, ending up with an on-base percentage of .515, best in the majors since 1957, and tops in the National League since John McGraw's mark of .547 in 1899.

Bonds homered every 6.52 at-bats this season, beating the Major League record of a homer every 7.27 at bats that Mark McGwire set while hitting 70 home runs in 1998.

Voted Player of the Decade for the 1990s by the Sporting News, Bonds was the first player ever to win the league's Most Valuable Player award three times in four seasons.

This resolution congratulates Barry Bonds for his hard work and extraordinary achievements, and I certainly join with the gentlewoman from California (Ms. PELOSI) in supporting House Resolution 262.

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

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

consume to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I thank the gentlewoman from Virginia for yielding me time.

Mr. Speaker, I cannot tell you how pleased I am to be down here. Having been born and raised in California, I have been a life-long San Francisco Giants fan, even though they only arrived in 1958.

It gives me great pleasure to stand today and commend this resolution to my colleagues. My connection with Barry Bonds is not only that I come from Northern California and bleed San Francisco Giants colors; but his agent is a family friend of mine, Mr. Scott Boras.

How many of you can recall the names McCovey, Mays, Marichal, Haller, Tito Fuentes, Jimmy Davenport, Jim Ray Hart? It is a long list of names that are steeped in Giants history that lead us to today's proceedings.

Barry Bonds, in fact, may have started with the Pittsburgh Pirates; but in fact he is a San Francisco Giants. His father, Bobby Bonds, came up into the majors serving with the San Francisco Giants; and in his first at-bat hit a grand slam home run, something that has not been often repeated in the major leagues.

Orlando Cepeda, the Hall of Famer with the San Francisco Giants, is one of those who also served with the Giants; Ron "Bear" Bryant, who in 1973 won 24 games; John "The Count" Montefusco, anybody from San Francisco or Northern California knows that name. Frank Robinson, who was the National League's first black manager, served with the Giants beginning in 1981. Jim Ray Hart and Jim Davenport; Tom Haller, Will Clark, "Will the Thrill" Clark. And his teammate Kevin Mitchell, who last took the Giants to the World Series with the Oakland A's.

More recently we have had others. We have had Jeff Kent, Rich Aurilia, and Robb Nen, all adding to the Giants legacy.

But in 2001, we had Barry Bonds and no one else. On August 11, he became the oldest player to ever hit 50 home runs. But do you know what? He did not stop there. He kept swinging. He kept popping that ball out into McCovey Cove, and the Giants kept winning.

As the gentleman from Illinois said, on October 7, as everyone sat riveted in their living rooms and their family rooms across this country, Barry Bonds went yard a 73rd time.

□ 1500

In the process, he broke Mark McGwire's single season record and, I have to say, a few years back when I watched Mr. McGwire make his challenge, that was a stirring time also.

Bonds broke Maris' record for the most home runs for a left-hander; no asterisk, no nothing, he just did it. He

broke McGwire's and Babe Ruth's record for most home runs on the road and, as the gentleman from Illinois (Mr. DAVIS) said, with a home run every 6.5 at bats, he broke McGwire's record there also. He broke Babe Ruth's record of 170 walks in a single season by walking 177 times. Can anyone imagine that? In the major leagues, the pitchers chose to walk Barry Bonds 177 times. Let me tell my colleagues, the other 29 franchises in the major leagues, you guys are a bunch of chickens; you would not pitch to him. Who knows how many he would have had. He could have had 100 home runs if you would have pitched to him.

He had a slugging percentage of .863, breaking Roger Hornsby's previous single season record of .76 and passing Babe Ruth's major league record of .847. He was on base over half the time. Counting the walks, he was on base every other time he came to bat. That is the first time since 1957 anybody has bat over 500 and the first time in the National League since 1924.

Mr. Speaker, the San Francisco Giants are a long and storied franchise. I have to say these names: Mays, Marichal, McCovey, Cepeda, Tito Fuentes, and the others that I grew up rooting for. These are all great giants, but none have been greater than Barry Bonds in this past year. Just remember that number: 73.

We have struggled over the past 6 or 7 weeks in this country trying to keep things together. My heart goes out to everybody who has suffered a loss. In this time of trouble, and in this time of tragedy, and in this time of trial, I have to say that America has looked to those boys of spring and those boys of summer and, finally, we have looked to Barry Bonds to give us that shining example of what one person can do, even when the other 29 teams are working against him.

Mr. Speaker, I commend this resolution to my colleagues in this House. I compliment the gentlewoman from California (Ms. PELOSI) for bringing this forward. I am a Giants fan from day one and I will be a Giants fan to the last day and the last breath. Thank God for Barry Bonds and the Giants this year. I urge an "aye" vote on this resolution.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 6 minutes to the gentleman from California (Mr. LANTOS). I do not know how many home runs the next speaker has hit, but I can tell my colleagues that he has struck many a blow for human rights and for the rights and liberties of people all over the world.

Mr. LANTOS. Mr. Speaker, I first would like to thank my dear friend and distinguished colleague, the gentleman from Illinois, for yielding. I want to congratulate the gentlewoman from California (Ms. PELOSI), my friend, neighbor, and whip-elect, for bringing this resolution to the floor. I am truly delighted that my training, Mr. Speaker, is in economics, because a knowledge of statistics is indispensable in

dealing with this giant in American politics.

Mr. Speaker, I am delighted to urge all of my colleagues to join the gentlewoman from California (Ms. PELOSI) and me in supporting House Resolution 266, which congratulates Barry Bonds for his achievement in breaking the major league baseball record for home runs in a single season, and to thank him for his contributions both to baseball and our community.

On October 7 of this year, in beautiful PacBell Stadium in San Francisco, Barry Bonds hit his 73rd home run. This took him past Mark McGuire's previous record of 70 home runs in a single season. In addition, Barry also broke Babe Ruth's record for slugging average, once thought to be untouchable. Mr. Speaker, Barry Bonds did not merely eclipse Ruth's record; he shattered it, setting the new average 16 points above the previous mark. He also set the major league record for walks, drawing 177, a testament to the fear he instilled in opposing pitchers.

Mr. Speaker, at the end of this year's baseball season, Barry Bonds had finished in the top 10 in four major offensive statistical categories: home runs, batting average, runs batted in, and runs scored. He finished the season in seventh place on the all time home run list with 567 career home runs, and I can relate to that, Mr. Speaker. He became the oldest player in major league history to hit more than 50, 60 or 70 home runs in a single season. This dazzling offensive output is what the fans of the San Francisco Giants as well as baseball fans around the Nation have come to expect from this three-time National League Most Valuable Player. This past Sunday, Barry's peers added yet another accolade to his resume: 2001 Players' Choice Player of the Year.

Mr. Speaker, I say this with local pride, but I firmly believe that Barry Bonds' talents can be traced to the fact that he grew up in San Mateo, California, which, I might add, is at the very heart of my own congressional district. His domination of the baseball diamond at Sierra High School in San Mateo is legendary to this very day. Barry grew up around baseball and from a young age he showed star potential. Both Barry's father Bobby and his godfather, Willie Mays, were professional baseball players.

In addition to his baseball exploits, Barry Bonds has been actively involved in community and public service. Since September 11 he has donated \$100,000 to the fund to aid the victims of the September 11 terrorist attacks. His generous contribution was matched by both major league baseball and the San Francisco Giants, bringing the total of \$300,000 for the assistance of the victims of this horrific tragedy. Barry's involvement in the community also includes the Barry Bonds family foundation, which he established 7 years ago, which is headed by his mother, Pat Bonds. The foundation supports activi-

ties and programs to improve education and quality of life for the Bay Area's African American youth. The foundation also supports other charities, such as the Adopt a Special Kid Program and the Joe DiMaggio Children's Hospital. Both Barry Bonds and his foundation are also involved in the United Way's "Link and Learn" program. This educational program focuses on raising student achievement by increasing parent involvement, access to tutoring, and exposure to interactive educational technology among low-income children and their families.

Mr. Speaker, it is crystal clear that Barry Bonds is an exceptional baseball player, and he used his celebrity and talents to benefit our community. I encourage all of our colleagues to join me in supporting this resolution, which appropriately honors Barry Bonds for his record-breaking achievement.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 5½ minutes to the gentlewoman from California (Ms. PELOSI), the author of this resolution, who functions with the passion of a gladiator herself and is victorious most of the time in whatever it is that she sets out to do.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS), the ranking member, for his generosity in yielding time and his kind words, and the gentlewoman from Virginia (Mrs. JO ANN DAVIS) for bringing this resolution to the floor. I am pleased to join my colleague, the gentleman from California (MR. LANTOS), a big Giants fan, in representing San Francisco and in honoring Barry Bonds today. I want to thank the gentleman from California (Mr. OSE), who also had a resolution about Barry Bonds, for his generosity in allowing the gentleman from California (Mr. LANTOS) and I to bring this resolution to the floor as we represent San Francisco. But as the gentleman knows, the Giants family extends well beyond that, and we are pleased to share this honor for Barry Bonds today with our California colleague, and I thank the gentleman. I appreciate his kindness. I also thank the Republican leadership for allowing a Democratic resolution honoring Barry Bonds to come to the floor.

Mr. Speaker, in an uncertain time in our country's history, this fall has been as bad as it gets for us. Our spirits were lifted as Barry Bonds hit his 73rd home run on October 7. For those of us who go to the Giants games, we could only say, just think what he would have done if they would have pitched to him, as my colleague said in his remarks. I was there for number 58 on Labor Day. I kept going to the games thinking I would see many more home runs and I saw some, but again, they did not always have the courage to pitch to Barry Bonds. I really hope that all of our colleagues will, in the spirit of friendship and competition, join in congratulating Barry Bonds on his spectacular record-breaking season for the San Francisco Giants and major league baseball.

Our resolution says, whereas Bonds has brought distinction to major league baseball and excellence to the San Francisco Giants, he was following in the footsteps of his father Bobby Bonds and his godfather Willie Mays. My colleagues have to come to San Francisco to see the Willie Mays statue on Willie Mays Plaza there. Barry Bonds has had an outstanding career and that so far includes 3 Most Valuable Player awards, 10 All Star Game appearances, 8 Rawlings Gold Glove awards and the distinction of being named Player of the Decade for the 1990s by Sporting News; whereas also, in 2001, Barry Bonds had one of the greatest seasons in major league baseball history, achieving the aforementioned 73 home runs, a slugging average of 863, and an on-base percentage of 515. Barry Bonds has established himself as the most prolific single season home run hitter in major league baseball history, again hitting his 73rd home run on October 7, 2001, eclipsing the previous record of 70 home runs set by Mark McGuire in 1998, and that seemed like an unachievable goal to break that record. Of Bonds' 73 home runs, 24 gave San Francisco the lead and 7 tied the game.

Bonds also hit the five-hundredth home run of his career during the 2001 season, a two-run game-winning home run which landed in the waters of McCovey Cove, something my colleagues must come visit as well when they come to San Francisco to our PacBell Stadium, which, by the way, is privately funded, very exceptional, again under the leadership of the Giants family headed by Peter McGowan.

Barry Bonds at 37 is the oldest player in major league baseball history to hit more than 50, 60 and 70 home runs in a single season. My daughter is 37 years old, and I remember when we went to Barry Bonds' 30th birthday, which seems like just yesterday. But in any event, he has even at that ripe old age of 37 broken many records.

Barry Bonds has recorded 484 stolen bases. Can we imagine that: Becoming the only major league baseball player to hit both more than 400 home runs and to steal more than 400 bases. Barry Bonds' 233rd stolen bases achieved while playing for San Francisco placed him sixth on a Giant franchise list behind his father, Bobby, who was fifth, with 263 stolen bases. So this is indeed a family affair.

Perhaps more important to Barry Bonds than even his baseball success is his record of community service. He has proven himself to be an active leader, not only in the Giants' club house, but also in the community, donating privately approximately \$100,000 already to the September 11 Fund to aid the victims of the terrorist attacks in New York, Washington, and Pennsylvania. Barry Bonds has also devoted his time and personal financial resources to support the "Link and Learn" program of United Way and has been an active participant in numerous

other San Francisco Bay Area community efforts, just too numerous to mention.

□ 1515

Mr. Speaker, I urge all of my colleagues to join in very enthusiastically and resolve that the House of Representatives congratulate Barry Bonds on his spectacular, record-breaking season in 2001, and outstanding career in major league baseball.

This House wishes him continued success in the seasons to come, and thanks him for his contribution to baseball, and especially his contribution to the community.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I would like to just share with the gentlewoman from San Francisco, I know Mr. Bonds hit number 73 against the Houston Astros, but in San Francisco, and in fact in the northern California area, in baseball, the ultimate opponent is the Los Angeles Dodgers, without any doubt.

I have to say, I do not know where the gentlewoman was when he hit number 71, but it was against the Los Angeles Dodgers. I just want to get that in the RECORD. When he turned on that fast ball, imagine the audacity on number 71.

It was the ninth inning and the Dodgers had some rookie in pitching, a little right-handed pitcher. He was throwing heat. Bonds was up and the game was basically over. This guy kept bringing the heat, and he would pitch one and it got by Bonds on strike one, and I think on strike two, I think Bonds actually turned to the catcher and said, "You just put that ball there one more time."

And the pitcher brought the fast ball again, and Bonds turned on, and there was never any doubt. I have to tell the Members, all over San Francisco and in northern California, Mr. Speaker, people jumped to their feet and said "Yes, we broke the record against the Dodgers; life is good, congratulations, Barry Bonds; and we won the game."

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

As one who used to try and emulate those basket catches of Willie Mays, I am pleased to urge strong support for this resolution.

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

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

Mr. Speaker, I again commend the distinguished gentlewoman and the gentleman from California for introducing the resolution to recognize Barry Bonds' achievements and working so hard to assure passage. I thank the gentleman from Indiana (Mr. BUR-

TON), the chairman of the Committee on Government Reform, and the gentleman from California (Mr. WAXMAN), the ranking member, and the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Illinois (Mr. DAVIS), the chairman and ranking member of the Subcommittee on Civil Service and Agency Organization, for expediting consideration by the House.

I might add that the gentleman from Indiana (Mr. BURTON) wanted it known that he was personally very pleased that Mr. Bonds hit number 73.

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 266.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

BENJAMIN FRANKLIN TERCENTENARY COMMISSION ACT

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2362) to establish the Benjamin Franklin Tercentenary Commission, as amended.

The Clerk read as follows:

H.R. 2362

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

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Benjamin Franklin Tercentenary Commission Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Benjamin Franklin was one of the most extraordinary men of the generation that founded the United States. Around the world, he remains one of the best-known Americans who has ever lived.

(2) Benjamin Franklin's achievements include his literary work, his creation of philanthropic and educational institutions, his significant scientific explorations, and his service to the Nation as a statesman and diplomat.

(3) Benjamin Franklin was the only American to sign all 5 enabling documents of the United States.

(4) All people in the United States could benefit from studying the life of Benjamin Franklin and gaining a deeper appreciation of his legacy to the Nation.

(5) January 17, 2006, is the 300th anniversary of the birth of Benjamin Franklin, and a commission should be established to study and recommend to the Congress activities that are fitting and proper to celebrate that anniversary in a manner that appropriately honors Benjamin Franklin.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the Benjamin Franklin Tercentenary Commission (referred to in this Act as the "Commission").

SEC. 4. DUTIES.

(a) STUDY.—The Commission shall have the following duties:

(1) To study activities by the Government that would be fitting and proper to honor Benjamin Franklin on the occasion of the tercentenary of his birth, including but not limited to the following:

(A) The minting of a Benjamin Franklin tercentenary coin.

(B) The rededication of the Benjamin Franklin National Memorial at the Franklin Institute in Philadelphia, Pennsylvania, or other activities with respect to that memorial.

(C) The acquisition and preservation of artifacts associated with Benjamin Franklin.

(D) The sponsorship of publications, including catalogs and scholarly work, concerning Benjamin Franklin.

(E) The sponsorship of conferences, exhibitions, or other public meetings concerning Benjamin Franklin.

(F) The sponsorship of high school and collegiate essay contests concerning the life and legacy of Benjamin Franklin.

(2) To recommend to the Congress in one or more of the interim reports submitted under section 9(a)—

(A) the activities that the Commission considers most fitting and proper to honor Benjamin Franklin on the occasion of the tercentenary of his birth; and

(B) the entity or entities in the Federal Government that the Commission considers most appropriate to carry out such activities.

(b) POINT OF CONTACT.—The Commission, acting through its secretariat, shall serve as the point of contact of the Government for all State, local, international, and private sector initiatives regarding the tercentenary of Benjamin Franklin's birth, with the purpose of coordinating and facilitating all fitting and proper activities honoring Benjamin Franklin.

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members as follows:

(1) The Librarian of Congress.

(2) 14 qualified citizens, appointed as follows:

(A) 2 members appointed by the President.

(B) 2 members appointed by the President on the recommendation of the Governor of the Commonwealth of Pennsylvania.

(C) 2 members appointed by the President on the recommendation of the Governor of the Commonwealth of Massachusetts.

(D) 2 members, at least 1 of whom shall be a Senator, appointed by the majority leader of the Senate.

(E) 2 members, at least 1 of whom shall be a Senator, appointed by the minority leader of the Senate.

(F) 2 members, at least 1 of whom shall be a Member of the House of Representatives, appointed by the Speaker of the House of Representatives.

(G) 2 members, at least 1 of whom shall be a Member of the House of Representatives, appointed by the minority leader of the House of Representatives.

(b) QUALIFIED CITIZEN.—For purposes of this section, a qualified citizen is a citizen of the United States with—

(1) a substantial knowledge and appreciation of the work and legacy of Benjamin Franklin; and

(2) a commitment to educating people in the United States about the historical importance of Benjamin Franklin.

(c) TIME OF APPOINTMENT.—Each initial appointment of a member of the Commission shall be made before the expiration of the 120-day period beginning on the date of the enactment of this Act.

(d) CONTINUATION OF MEMBERSHIP.—If a member of the Commission was appointed to

the Commission as a Member of the Congress, and ceases to be a Member of the Congress, that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date on which that member ceases to be a Member of the Congress.

(e) **TERMS.**—Each member shall be appointed for the life of the Commission.

(f) **VACANCIES.**—A vacancy in the Commission shall not affect the powers of the Commission and shall be filled in the manner in which the original appointment was made.

(g) **BASIC PAY.**—Members shall serve on the Commission without pay.

(h) **TRAVEL EXPENSES.**—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(i) **QUORUM.**—Five members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(j) **CHAIR.**—The Commission shall select a Chair from among the members of the Commission.

(k) **MEETINGS.**—The Commission shall meet at the call of the Chair.

SEC. 6. ORGANIZATION.

(a) **HONORARY MEMBERS.**—The President—
(1) shall serve as an honorary, nonvoting member of the Commission; and

(2) may invite the President of France and the Prime Minister of the United Kingdom to serve as honorary, nonvoting members of the Commission.

(b) **ADVISORY COMMITTEE.**—The Commission shall form an advisory committee, to be composed of representatives of the major extant institutions founded by or dedicated to Benjamin Franklin, including the following:

(1) The Executive Director of the American Philosophical Society.

(2) The President of the Franklin Institute.

(3) The Librarian of the Library Company.

(4) The Director and Chief Executive Officer of the Philadelphia Museum of Art.

(5) The President of the University of Pennsylvania.

(c) **ADMINISTRATIVE SECRETARIAT.**—The Commission shall seek to enter into an arrangement with the Franklin Institute of Philadelphia, Pennsylvania, under which the Institute shall do the following:

(1) Serve as the secretariat of the Commission, including by serving as the point of contact under section 4(b).

(2) House the administrative offices of the Commission.

SEC. 7. POWERS.

(a) **HEARINGS AND SESSIONS.**—The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate.

(b) **POWERS OF MEMBERS AND AGENTS.**—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this Act.

(c) **OBTAINING OFFICIAL DATA.**—The Commission may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out this Act. Upon request of the Chair of the Commission, the head of that department or agency shall furnish that information to the Commission.

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

(e) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis,

the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(f) **PROCUREMENT.**—The Commission may enter into contracts for supplies, services, and facilities to carry out the Commission's duties under this Act.

(g) **DONATIONS.**—The Commission may accept and use donations of—

(1) money;

(2) personal services; and

(3) real or personal property related to Benjamin Franklin or the occasion of the tercentenary of his birth.

SEC. 8. DIRECTOR AND STAFF.

(a) **APPOINTMENT.**—The Commission may appoint a Director and such additional personnel as the Commission considers to be appropriate.

(b) **APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.**—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

SEC. 9. REPORTS.

(a) **INTERIM REPORTS.**—The Commission shall submit to the Congress such interim reports as the Commission considers to be appropriate.

(b) **FINAL REPORT.**—The Commission shall submit a final report to the Congress not later than January 16, 2007. The final report shall contain—

(1) a detailed statement of the activities of the Commission; and

(2) any other information that the Commission considers to be appropriate.

SEC. 10. TERMINATION.

The Commission shall terminate 120 days after submitting its final report pursuant to section 9(b).

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$500,000 for the period of fiscal years 2002 through 2007 to carry out this Act, to remain available until expended.

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

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

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2362, as amended.

THE SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

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

Mr. Speaker, I commend the distinguished gentleman from Pennsylvania (Mr. BORSKI) for introducing H.R. 2362. H.R. 2362 establishes a Benjamin Franklin Tercentenary Commission. This 15-member Commission will be charged with studying and recommending to Congress activities it considers most fitting and proper to honor Benjamin Franklin.

The Commission will also recommend the entity or entities in the Federal Government the Commission believes most appropriate to carry out those activities. It will coordinate and facilitate such activities.

The Commission will terminate in 2007. The bill authorizes appropriations for \$500,000 over the life of the Commission.

January 17, 2006, is the 300th anniversary of Benjamin Franklin's birth. As the bill's findings observe, Franklin was one of the most extraordinary men of the extraordinary generation that founded the United States. Both here and abroad, he remains one of the best-known Americans who ever lived.

Mr. Speaker, it is impossible in the short time allotted for debate on this bill to fully recount Benjamin Franklin's achievements and his contributions to our Nation. The tenth son, and the fifteenth of the 17 children fathered by Josiah Franklin, a Boston soap and candlemaker, Benjamin Franklin became one of the most illustrious men of his age. He was the only American to sign all five enabling documents of the United States.

The achievements of this largely self-educated man included his literary work; his creation of philanthropic and educational institutions, including what became the University of Pennsylvania; his scientific explorations; and his service to the Nation as a statesman and diplomat.

Almost all Americans are familiar with Franklin's Poor Richard's Almanack, and such pithy sayings as "A penny saved is a penny earned." We all know about his famous kite-flying experiment.

But Benjamin Franklin was also a prolific inventor. He invented bifocals; a catheter; the Franklin stove; a musical instrument, the glass harmonica; the lightning rod; and the odometer.

Franklin also founded the first fire department, and he established the first fire insurance company.

Franklin's political contributions to the Nation were also invaluable. To take just a few, Mr. Speaker, Franklin participated in drafting the Declaration of Independence. The Articles of Confederation in Perpetual Union that he submitted to the Second Continental Congress eventually served as a model for our first Constitution, the Articles of Confederation.

The secret committee that Franklin established at the request of the Second Congress to gain foreign support for America's fight for independence eventually evolved into the State Department.

During the Revolutionary War, Benjamin Franklin himself represented the fledgling Nation in France. In recognition of Franklin's diplomatic work both before and during the Revolutionary War, this bill permits the President to invite the President of France and the Prime Minister of the

United Kingdom to serve as honorary nonvoting members of the Commission.

Mr. Speaker, everyone in the United States can benefit from studying the remarkable life of Benjamin Franklin and gaining a deeper appreciation of his legacy to the Nation.

For this reason, Mr. Speaker, I urge all Members to support this important legislation.

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

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

Mr. Speaker, first of all, let me commend and congratulate the gentleman from Pennsylvania (Mr. BORSKI) for putting forth this resolution. I think it is not only timely, but absolutely important.

Mr. Speaker, during the Revolutionary War, Ben Franklin was quoted as saying, "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

Ben Franklin's words have new meaning today as America engages in a war against terrorism and those who would strip us of our liberty and freedom by threatening our safety.

Though Benjamin Franklin stands tall among a small group of men we call our Founding Fathers, he identified with the ordinary citizen and strived to make their lives better.

He served as postmaster, helping to set up the postal system in Philadelphia, a system that is today being challenged by biochemical terror attacks.

In order to make Philadelphia a safer city, Mr. Franklin started the Union Fire Company in 1736. Those who joined the Union Fire Company in 1736 had the same mission as the brave men and women who ran to their deaths to save lives in two Twin Towers that were ablaze in New York City on September 11.

Benjamin Franklin knew all about liberty and freedom. He helped write the Declaration of Independence and the Constitution.

He was the only person to have signed all four of the documents which helped to create the United States: the Declaration of Independence, 1776; the Treaty of Alliance, Amity, and Commerce with France, 1778; the Treaty of Peace between England, France, and the United States, 1782; and the Constitution, in 1787.

What would he say about the terror attacks that threaten the very foundation of our country and his and our beliefs?

At the signing of the Declaration of Independence on July 4, 1776, Benjamin Franklin stated: "We must all hang together, or assuredly we shall all hang separately." In these trying and challenging times, we must all hang together as Americans, as people who respect the differences of others, as people who believe in life, liberty, and the pursuit of happiness.

I urge my colleagues to support H.R. 2352, which will establish a Commission

to recommend to Congress activities to celebrate the 300th anniversary of the birth of Benjamin Franklin. His words and deeds are part of our history, but will help us to overcome the challenges we face today and are sure to face tomorrow.

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

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

Mr. BORSKI. Mr. Speaker, let me first thank the distinguished gentleman from Illinois (Mr. DAVIS) for yielding me this time.

I also want to commend the leadership of the floor manager, the gentlewoman from Virginia (Mrs. JO ANN DAVIS), for her leadership.

I also want to take a moment to thank the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. WELDON), and particularly thank the chairman of the full committee, the gentleman from Indiana (Mr. BURTON), for his guidance in bringing this bill to the floor.

Mr. Speaker, I rise in strong support of H.R. 2362, the Benjamin Franklin Tercentenary Commission Act. This legislation would properly pay tribute to a Founding Father, statesman, inventor, and philosopher on January 17, 2006, the 300th anniversary of his birth. Benjamin Franklin is truly one of our Nation's great citizens.

This bill would establish a commission to study and recommend government activities to honor Benjamin Franklin on his 300th birthday, including the minting of a coin and sponsorship of a high school and collegiate essay contest concerning the life and legacy of Benjamin Franklin.

Additionally, this legislation would serve as a contact point for State, local, international, and private sector initiatives.

H.R. 2362 would seek to have the Franklin Institute of Philadelphia, which was founded under Mr. Franklin's bequest, and is the most frequently visited museum in the Commonwealth of Pennsylvania, serve as the Secretariat of the Commission and house the Commission's administrative offices.

Mr. Speaker, without question, this legislation would hallmark the admiration we have for Mr. Franklin, who was considered a citizen of the world, a friend to all, and an enemy to none.

Mr. Franklin's accomplishments include founding the Pennsylvania Gazette, founding the Nation's first library, founding the first volunteer fire brigade; serving as Philadelphia's postmaster, and later as Postmaster General of the American Colonies; proposing the creation of the University of Pennsylvania; performing the first kite-flying experiment, which led to the evolution of electricity; establishing the first fire insurance company; and, of course, Mr. Speaker, serving the Continental Congress, signing

the Declaration of Independence, and presiding at the Constitutional Convention.

In 1801, President Thomas Jefferson stated that "Ben Franklin was the greatest man, an ornament of the age and country in which he lived. This father of American liberties became the object of general respect and love."

H. W. Brands, a celebrated historian, in his most recent book, *The First American—The Life and Times of Benjamin Franklin*, compliments President Jefferson's statement with his words that "His ingenuity would not die with him, nor his concern for his fellow citizens."

During the wake of the Revolutionary War, in Paris during the war and peace negotiations, at the Constitutional Convention back in Philadelphia, Mr. Franklin served his new country with unsurpassed energy, devotion, and skill. In the eyes of much of Europe, Mr. Franklin was America.

Not only did Franklin make a significant contribution to the establishment of our Republic, but also, as H.W. Brands penned, "He sought knowledge not for his own sake, but for humanity's. His passion for virtue reflected not hope of heaven, but faith in his fellow mortals."

Mr. Speaker, I urge support for this legislation. I want to note that it was cosponsored by the entire Pennsylvania congressional delegation, as well as all the members of the Massachusetts delegation, and I urge support of this resolution.

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

Mr. Speaker, I would simply urge passage of this bill, and add that Benjamin Franklin is probably the most quoted of all Americans who ever lived.

I grew up in a family where both my mother and father were great Benjamin Franklin fans. They would put us to bed at night and make us go to sleep early and by saying "Benjamin Franklin said, 'Early to bed and early to rise makes a man healthy, wealthy, and wise.'"

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

□ 1530

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I would like to thank the gentleman from Indiana (Mr. BURTON) and the gentleman from Pennsylvania (Mr. WELDON) for expediting this bill.

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 2362, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NORMAN SISISKY POST OFFICE
BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2910) to designate the facility of the United States Postal Service located at 3131 South Crater Road in Petersburg, Virginia, as the "Norman Sisisky Post Office Building".

The Clerk read as follows:

H.R. 2910

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

SECTION 1. NORMAN SISISKY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3131 South Crater Road in Petersburg, Virginia, shall be known and designated as the "Norman Sisisky Post Office Building".

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

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

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

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 2910.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 2910. I commend my good friend and fellow Virginian, the gentleman from Virginia (Mr. FORBES), for introducing this measure to honor his distinguished predecessor, the late Congressman Norman Sisisky.

H.R. 2910 honors Norman Sisisky's service to his district, his State and his country by designating the post office located at 3131 South Crater Road in Petersburg, Virginia as the "Norman Sisisky Post Office Building." This bill has the strong support of all Members of the Virginia delegation.

Although born in Baltimore, Maryland, Norman Sisisky grew up in Richmond, Virginia. He graduated from Virginia Commonwealth University in 1949. Following a brief stint in the Navy, he became president of the Pepsi-Cola Bottling Company of Petersburg, Virginia. Under his leadership, that company became one of the largest soft drink bottling operations in the South.

From 1973 to 1982, Norman served in the Virginia House of Delegates. In 1982, he was elected to the House of Representatives where he served until

his untimely death in March of this year. During his 18 years on Capitol Hill, Norman Sisisky compiled a moderate voting record. In fact, he was one of the first members of the conservative Blue Dog Coalition.

He often worked across the aisle to achieve what he believed best for the American people. Few were more effective, especially in matters of national defense. He was the second ranking Democrat on the Committee on Armed Services and was widely praised for his devotion to military and defense issues.

Among the other numerous highlights of his distinguished career was the passage of a balanced budget.

Mr. Speaker, Norman Sisisky left many friends and admirers in this House. He has been rightly remembered as a bridge between the parties and for his sense of humor. I urge all Member to support this important legislation.

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

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

Mr. Speaker, as a former Member of the Committee on Government Reform, I am very happy to join my colleague in the consideration of H.R. 2910, introduced by the gentleman from Virginia (Mr. FORBES). It has met the committee co-sponsorship requirement and is supported by the entire Virginia Congressional delegation.

Norman grew up in Richmond, Virginia, served honorably in the Navy during World War II. He graduated from Virginia Commonwealth University, became a successful businessman as president of the Pepsi-Cola Bottling Company of Petersburg where he lead what was a small business to one of the largest and most profitable in the South.

Norm Sisisky served in Virginia's General Assembly representing Petersburg, Virginia. After serving five terms in the assembly, he was elected to U.S. Congress where he represented Virginia's Fourth Congressional District until his untimely death in March of this year.

Norman Sisisky served as a senior member of the Committee on Armed Services and ranking member of the Subcommittee on Military Procurement. He was always a strong defender and advocate of the armed services, and I know he will be particularly missed in that area. He already has been.

He was a member of the Subcommittee on Military Readiness and the Panel on Military Morale, Welfare and Recreation. He knew the importance of maintaining a strong military. He will always be remembered for standing behind our military families and veterans. He was also one of the most effective advocates in Congress for a strong Navy, particularly, and its ship building program at Newport News. Throughout his career in public service, he helped in a substantial way in making our military second to none.

Norm Sisisky was a hard-working colleague and a dedicated public servant. I think we should also say he was, too, a very witty, urbane and engaging friend to so many of us. And in addition to his public service, we miss his friendship. He leaves a great legacy to the people of Virginia and to our entire Nation.

I commend my colleague, the gentleman from Virginia (Mr. FORBES), and all of the Virginia Congressional Delegation. And it is not just confined to Virginia. We have the gentleman from Maryland (Mr. HOYER) speaking. It should be said that Norm was one of the best-liked Members of this body. I urge swift passage of this bill, and I trust it will be unanimous. This is one small way of remembering Norm Sisisky.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield the balance of my time to the distinguished sponsor of this bill, the gentleman from Virginia (Mr. FORBES), and I ask unanimous consent that he be permitted to control that time.

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

There was no objection.

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

Mr. Speaker, I rise today to pay tribute to one of our former colleagues, Norman Sisisky, the late Congressman from the Fourth District of Virginia.

Congressman Sisisky passed away earlier this year having lived a rich life of public service and loving commitment to his family. He served his Nation during World War II as a veteran of the U.S. Navy. He went on to serve Virginia in the House of Delegates for 8 years. During his tenure there, his dedication to improving the lives of children earned him the Outstanding Service to Children in Virginia Award in 1978. He served the citizens of both the Commonwealth and the Nation by representing the people of Virginia's Fourth District for more than 18 years in the United States Congress.

Norman Sisisky was well respected by Members from both sides of the aisle, gaining a reputation as a personable man with a keen interest in and knowledge of national security issues. In fact, he is best remembered for his service on the Committee on Armed Services where he helped to shepherd through years of bipartisan legislation to improve the lives of men and women who wear the uniform that he once wore.

Norman Sisisky was a life-long Virginian, born in Richmond and later settling nearby in Petersburg.

He attended college at Virginia Commonwealth University, where he earned a degree in business administration. He built an outstanding career in soft drink bottling as president and owner of the Pepsi-Cola Bottling Company of Petersburg and chairman of

the board of the National Soft Drink Association.

Norman and his wife, Rhoda, had four sons and later seven grandchildren. They are a living and gracious legacy to Norman's life, just as the work he did here is a legacy to his career in public service.

Today, we join together to recognize those legacies by dedicating the facility of the United States postal service at 3131 South Crater Road in Petersburg, Virginia, as the Norman Sisisky Post Office Building. Though he spent much time in Washington and traveling the fourth district to represent his constituents, his home was in Petersburg; and it is fitting that this building bear his name.

I want to thank the gentleman from Illinois (Mr. HASTERT), the Speaker; the gentleman from Texas (Mr. ARMEY), the majority leader; and the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform, for helping to bring this tribute to the floor so quickly; and I would like to thank my colleagues, particularly in the Virginia delegation, for joining me as cosponsors of this resolution and for speaking on its behalf on the floor.

Mr. Speaker, I urge my colleagues to support this resolution and honor the memory of the late Congressman Norman Sisisky.

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

Mr. MORAN of Virginia. Mr. Speaker, I yield such time as he may want to consume to the gentleman from Virginia (Mr. SCOTT), Norman's next door neighbor.

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding the time.

It is with great pleasure that I rise in support of H.R. 2910, to designate a post office in honor of my friend and distinguished colleague, the late Norman Sisisky.

President John F. Kennedy once said: "A Nation reveals itself not only by the men it produces but also by the men it honors, the men it remembers." While the news of Norman's death was met by great sadness by all of those who knew him, the legacy of his life and his accomplishments are to be acknowledged, revered and celebrated.

I knew Norman for almost 25 years. For 5 of those years, we served together in the Virginia House of Delegates. We served together here in the House of Representatives for over 8 years. During that time, I had the honor to represent a district adjacent to his in southeast Virginia. The proximity of our districts allowed us to work side by side on many issues; and as a result, we became close, and our staffs in Washington and our district offices also became close associates.

The Fourth Congressional District, all of Virginia, the entire Nation, were all well served by Norman's leadership on the House Committee on Armed Services. He was the ranking member on the Subcommittee on Military Pro-

tection and also served as a member of the Subcommittee on Military Readiness and Subcommittee on Morale, Welfare and Recreation. He worked diligently to ensure that our Nation's military was second to none.

Due to his efforts, Newport News Shipbuilding has remained a world leader; and we have been able to continue to excel in nuclear aircraft carrier and submarine construction.

When Virginia's military facilities came under threat of being closed during the base closings of the 1990s, Congressman Sisisky successfully protected Fort Lee, Norfolk Naval Shipyard, and other bases in Virginia that have been critical to the readiness of our Armed Forces.

Mr. Speaker, it is, therefore, fitting that a private man that worked so tirelessly behind the scenes, without the need for fanfare and accolades, should now be honored today as the Norman Sisisky Post Office serves the public. We will be reminded of his driving spirit and tireless commitment to public service.

Therefore, Mr. Speaker, I urge my colleagues to support this bill. With this designation of a post office in honor of Norman Sisisky, we will say a job well done.

Mr. FORBES. Mr. Speaker, I yield 4 minutes to my distinguished colleague, the gentleman from Virginia (Mr. WOLF).

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

Mr. WOLF. Mr. Speaker, I want to thank the gentleman from Virginia (Mr. FORBES) for bringing this legislation to the floor of the House.

It is very appropriate that we honor Congressman Norman Sisisky, who will always be remembered as a true gentleman, a dedicated public servant. He was a good person. He was a good father. He was a good husband, and in the delegation we could not have been closer.

I see the gentleman from Virginia (Mr. MORAN); and I would ask the gentleman if he remembers at our delegation lunches, it was Norman that would always make us laugh, that would always have that witty comment and somebody who could reach across the aisle in a way that really very few Members can.

His public service career began when he was elected, as was said, a member of the House of Delegates in 1973 representing Petersburg. He served for five terms in the Virginia General Assembly before being elected to Congress in 1982, and it was when I first met him.

Norman, like another of our late Virginia colleagues, Herb Bateman, was a senior member on the House Committee on Armed Services. In fact, he and Bateman, Sisisky and Bateman, worked hand in glove on so many issues with regard to their portion of the State and so many issues with regard to the national defense. From their vantage point, they both were

protectors of our national security. Norman was the ranking member of the Subcommittee on Military Procurement and also served on the Subcommittee on Military Readiness and the Panel on Morale, Welfare, and Recreation. The American men and women in the military had no finer friend than Norman Sisisky. No matter what their rank, from the lowest rank to the highest rank, Norman was their friend.

Also, Norman was instrumental in working to get the funding to build the newest aircraft carrier, U.S.S. *Ronald Reagan*, which was recently christened.

He worked tirelessly as an advocate for production of shipbuilding to strengthen our national defense, and it is appropriate that we honor his dedication to improving our defense and intelligence resources, especially in light of recent events with regard to what is taking place in the country.

This Congress is honoring a very faithful servant and a wonderful man. Our lives have been forever enriched by having Norman Sisisky as our friend and colleague. Norman lived his life to the fullest. He had a great time, great sense of humor. He was hardworking and friendly and was a Member who truly worked in a bipartisan way by reaching across the aisle to work in the best interests of America. It was a privilege to work with Norman for 18 years and to work with him in the Virginia delegation on issues of importance, not only to the State of Virginia but to the Nation.

□ 1545

Norm Sisisky's commitment and devotion to public service is deserving of recognition and it is appropriate that the postal building at 3131 South Crater Road in Petersburg, Virginia, be renamed in his honor.

Again, I want to thank the gentleman from Virginia (Mr. FORBES) for bringing this to the floor, and let Norman know, as he is I am sure watching somewhere, that we do miss him very, very much.

Mr. Speaker, I appreciate my colleagues on the Government Reform Committee in bringing this legislation to the floor to designate a U.S. postal building in Petersburg, Virginia, to honor the late Congressman Norman Sisisky, who served Virginia's Fourth Congressional district for nine terms.

It is appropriate that we honor Congressman Sisisky, who will always be remembered as a true gentleman and dedicated public servant.

Norman Sisisky was born June 9, 1927, and graduated from John Marshall High in Richmond, Virginia. He joined the Navy after high school and served through World War II until 1946. He graduated from Virginia Commonwealth University in 1949 with a degree in business administration.

Norm's work as a public official was undoubtedly strengthened by his success in the private sector. After graduating he transformed a small Pepsi bottling company in Petersburg, Virginia, into a highly successful distributor of soft drinks throughout Southside Virginia.

His public service career began when he was elected as delegate to the Virginia House of Delegates in 1973 representing Petersburg. He served five terms in the Virginia General Assembly before being elected to Congress in 1982.

Norman, like another of our late Virginia colleagues, Herb Bateman, was a senior member on the House Armed Services Committee and from that vantage point was a protector of our national security. He was the ranking member of the subcommittee on military procurement, and also served on the subcommittee on military readiness and the panel on morale, welfare, and recreation.

Before his untimely passing this past March, he had been appointed to the House Permanent Select Committee on Intelligence. Norman was also a member of the "Blue Dog" coalition in the 104th through the 107th Congresses and led bipartisan efforts through that work. Norman was instrumental in working to get funding to build the newest aircraft carrier, USS *Ronald Reagan*, which was recently christened.

He worked tirelessly as an advocate for production of shipbuilding and strengthening our national defense. It is appropriate that we honor his dedication to improving our defense and intelligence resources, especially in light of recent events and our new attention to these priorities.

He presented with pride Virginia's Fourth Congressional District in the southeastern corner of the Commonwealth, the home of the First Permanent English Settlement in North America, and today the home of one of the largest concentrations of military power in the world.

This Congress is honoring a faithful servant and wonderful man, and our lives are forever enriched for having had Norman Sisisky as our friend and colleague. Norman lived his life to the fullest. He was hard-working and friendly and he was a member who truly worked in a bipartisan way. He reached across the aisle to work for the best interests of America. It was a privilege to serve with him the over 18 years he was in Congress and to work with him in the Virginia delegation on issues of importance to our state and union.

Congressman Sisisky's commitment and devotion to public service is deserving of recognition, and it is appropriate that the postal building at 131 South Crater Road in Petersburg, Virginia, be renamed in his honor. I urge our colleagues to join me in supporting this legislation to honor his former member for his dedicated public service.

Mr. MORAN of Virginia. Mr. Speaker, I yield such time as he may consume to the honorable and very distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I was elected to the House in 1981 in a special election. I came here in early June, so I had been here some 18 months before Norm Sisisky was sworn in in January of 1983 to the House of Representatives. But because Virginia and Maryland are members of the same organizational region for our caucus, and because Norm and I had a number of interests in common, we became very good friends. I am pleased, therefore, to rise on behalf of this legislation.

This legislation, of course, will pass unanimously, as it should. It is appro-

priate that the gentleman from Virginia (Mr. FORBES) introduced this resolution to honor his predecessor. They come from different parties, but they come from the same State, the same region, and the same district, and the gentleman from Virginia (Mr. FORBES) knows full well of the affection and respect with which Mr. Sisisky was held in his district.

Norm Sisisky, some of my colleagues may not know, was born in Baltimore, Maryland, in 1927. His parents had come from Lithuania; emigrated to this country. When Norm was a very young boy, his family moved to Virginia. He grew up in Richmond and, after he graduated from high school, he enlisted in the Navy for the final years of World War II. He was very young. He enlisted at almost his first opportunity, as soon as he graduated from high school.

After completing his naval service, Norm graduated from Virginia Commonwealth University. History would prove that his service to the Navy in World War II did not end until his death, for the Navy had no better friend than Norm Sisisky. Indeed, the Armed Services of America, the defense of our Nation, the defense of freedom throughout this world had no better friend nor more tenacious supporter than Norm Sisisky.

When he graduated from college and completed his naval service, he entered into the soft drink bottling distribution business. He bought a small distribution plant that he then built into a giant distribution plant and was so respected by his colleagues that he became the President of the National Soft Drink Association.

Norm Sisisky was a man of faith, active in his synagogue and in many Jewish organizations. Indeed, he served as president of his congregation. Norm and his wife, the former Rhoda Brown, had four sons, Mark, Terry, Richard and Stuart, and seven grandchildren. Norm and Rhoda were and are extraordinarily proud of those four sons and those seven grandchildren, and I know they will be proud to point to this post office that will be named for Norm Sisisky.

By the way, let me, as an aside, make a suggestion. The first bill that I passed as a Member of this House was to name the District Heights Post Office for E. Michael Roll, who had been the mayor of the town in which I lived for over 20 years. And I can remember as a young kid, the town was small enough that the mayor would get on you if you were not riding your bike in the proper place or he saw you throw an ice cream wrapper on the street or something of that nature. Mr. Roll had recently died, and I was so pleased to introduce a bill to honor him by naming the post office after him.

When they went out to the District Heights Post Office, and this is what I want my Virginia friends to hear, they were going to take off the words "United States Post Office." The post

office had proposed putting E. Michael Roll's name in place of United States. I told them that E. Michael Roll would roll over in his grave if he knew his name was replacing the name of the country that he loved so deeply.

So I would suggest that perhaps rather than name this post office the Norm Sisisky Post Office Building, that we name it the Norm Sisisky United States Post Office as the official name of the place.

But to get back to Norm Sisisky, although we are talking about an appropriate act which need not be debated, we are talking about an individual whom this body is poorer for having lost. Born on June 9, 1927, he died on March 29 of this year. He died too soon. It could be said, of course, that perhaps all of us die too soon, but we particularly miss Norm Sisisky who was an expert on not only national defense but on national intelligence. He served on our Permanent Select Committee on Intelligence.

He was a quiet man, not bombastic, not rhetorical, not subject to self-aggrandizement or self-promotion. He was a man of substance. He was a man of commitment. He was a man of great intellect. He was a man of great energy. And he worked extraordinarily hard to make sure that America was strong, that we tended to our military, and that we made sure our intelligence was the best that it could be. How deeply in this time of trouble that confronts America today do we miss Norm Sisisky.

I am proud to rise on behalf of this legislation because, as was quoted earlier in talking about Ben Franklin and quoting John Kennedy, a nation is known by the men and women that it honors. It is absolutely appropriate that we honor Norm Sisisky; that we lament his loss, but glory in the service that he gave to this institution and to this country that he loved.

I ask all of us, as we vote on this legislation later today, to remember that contribution and perhaps to once again send a note or make a call to Rhoda and tell her we share her loss, not as poignantly, not as personally, but as his colleagues we share her loss, the loss of her sons, the loss of the grandchildren, and the loss of the great Commonwealth of Virginia.

Mr. FORBES. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. SCHROCK).

Mr. SCHROCK. Mr. Speaker, I thank the gentleman for yielding me this time, and it is my pleasure to rise today in support of H.R. 2910, being brought to us by the gentleman from Virginia (Mr. FORBES), which will honor our good friend Congressman Norm Sisisky.

The location of the post office in Petersburg, Virginia, bearing Norm's name is quite fitting. Norm represented the people of Petersburg for almost 28 years, as a member of the Virginia General Assembly for 10 years,

and as a member of this body representing Virginia's Fourth Congressional District from 1983 until earlier this year.

Congressman Sisisky served America in World War II and brought this experience to Congress. Norm became a senior member of the House Committee on Armed Services where he became a champion of our military and veterans issues. Norm was the ranking member of the Subcommittee on Military Procurement and also served on the Morale, Welfare and Recreation Panel. He took the lead in protecting Virginia's naval and military facilities and was an ardent defender of our national defense, but worked at the same time to ensure that military spending decisions strike the proper balance between strategic necessity and fiscal prudence.

His record of distinguished service to our country and to the people of the Commonwealth of Virginia demonstrates to us all his commitment to the values and principles of freedom and public service. This facility we are naming today will remind us of his dedication to our country and to the Commonwealth of Virginia, and I urge my colleagues to support this legislation.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his very strong support for H.R. 2910, the Norman Sisisky Post Office Building Designation Act of 2001, which designates the facility of the United States Postal Service located at 3131 South Crater Road in Petersburg, Virginia, as the "Norman Sisisky Post Office Building."

This Member would like to thank the main sponsor of H.R. 2910, the distinguished gentleman from Virginia [Rep. RANDY FORBES]; the rest of the Virginia congressional delegation; the Chairman of the House Committee on Government Reform the distinguished gentleman from Indiana [Mr. DAN BURTON]; and the Ranking Member of the Committee, the distinguished gentleman from California [Mr. HENRY WAXMAN] for their instrumental role in bringing H.R. 2910 to the House Floor.

Mr. Speaker, the late Congressman Sisisky was in many ways bigger than life—he lived life to the fullest, worked as hard as any Member in this body, and always enjoyed his family and friends. We can all take great pride in the kind of person Norm was, and in his many important contributions to not only the State of Virginia, but also the United States as a whole. As many of you probably know, this Member traveled with Congressman Sisisky frequently on NATO Parliamentary Assembly (NATO PA) matters and to the annual Munich Conference on Security Policy (previously known as the Munich Wehrkunde Conference). In fact, Norm Sisisky participated in the Munich Conference on Security Policy longer than any sitting Member of the House and served as this Member's Democrat co-leader of the House delegation to this conference in February of this year.

This Member can still recall Norm's remarks during a NATO PA meeting where a discussion of the European Security and Defense Policy (ESDP), European burden sharing and the need for Europe to meet its own NATO military commitments brought Norm to his feet with the simple words of "Show me the

money." He went on to explain that while he was supportive of ESDP, his support was conditional on the need for our European NATO allies to increase their own defense budgets to meet not only ESDP requirements, but more importantly their NATO requirements. The House NATO PA delegation was certainly proud of Norm Sisisky's blunt and forceful remarks, as Norm Sisisky wasn't one for beating around the bush nor for talking just to talk—when Norm spoke we all listened.

This was just one of the many examples of Norm Sisisky's keen knowledge of national defense matters and his forceful personality. This Member had great respect and appreciation for him as a person and as a congressional colleague. He was one of this Member's favorite people and we all miss him greatly! Therefore, this Member supports the naming of the Post Office Building in Petersburg, Virginia, the "Norman Sisisky Post Office Building". It certainly is a honor well-deserved which this Member strongly urges his colleagues to support.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to my friend and colleague from Virginia, Norm Sisisky, who served this body with dignity, honor and extreme dedication since 1983.

Norm was a true gentleman and a great patriot. I will never forget his kind and valuable tutelage when I first came to Congress, nor will I forget how he demonstrated to all of us the importance of caring more about doing good than getting credit. He certainly earned his reputation as a hard worker and skilled negotiator.

The son of Lithuanian immigrants, Norm was born in Baltimore. The family moved during the Depression to Richmond, Virginia where he grew up. Upon graduating from John Marshall High School, he enlisted in the Navy during World War II, serving through the end of 1946. Norm described himself as a self-made businessman, turning a local soft-drink company into one of the most successful Pepsi-Cola distributorships in the country at the time.

During his ten years in Congress, Norm secured committee assignments that paid great dividends to the residents and businesses in his district. He played a leading role in reforming the Defense Department's financial management system and worked tirelessly to preserve the nuclear shipbuilding industrial base so vital to employment rates in the Hampton Roads area. His was the proper and responsible balance: Protect Virginia's military facilities, but also make sure that military spending decisions are fiscally prudent and fair to taxpayers nationwide. He worked tirelessly in the Congress to improve procurement practices and streamline government to make it more effective and efficient.

Mr. Speaker, I continue to mourn the loss of Norm Sisisky as a friend and a colleague. Norm lived his life with exuberance and passion for serving his beloved Virginia. He was a true leader on behalf of all Virginians and Americans, and as a member of the Blue Dog Coalition, he worked across partisan divides, searching for the common good. I ask all of my colleagues to join me in support of this legislation, which will ensure that Norm Sisisky's contributions to his community will be remembered for generations to come.

Mr. CANTOR. Mr. Speaker, I rise today in support of H.R. 2910, the Norman Sisisky

Post Office Building Designation Act. I am honored today to pay tribute to Norman Sisisky, who was a colleague and familiar figure in Virginia politics for many years. It is fitting and proper that we should honor Norman today on the floor of this House where he acted so honorably as a public servant since he was elected to Congress in 1982 until his death earlier this year.

Norman Sisisky spent a lifetime serving Virginia and the United States, and we are all deeply indebted to this distinguished Virginia gentleman. Norman first displayed his love for this country when he enlisted in the Navy as a young man during World War II. His time in the Navy, though short, left a lasting impression and he never forgot that we must diligently tend to the needs of the men and women serving in the military.

At the conclusion of the war, he became a successful businessman and well known throughout the business community for transforming a small bottling company into a highly successful soft drink distributor. His business background and creative thinking proved invaluable when he later decided to enter elective politics. Norman served in the Virginia General Assembly for several years before being elected to the House of Representatives in 1982. Here in Washington, Norman was known as a staunch defender of our national security and worked tirelessly on behalf of the men and women who serve our nation in the military.

Norman was particularly effective in building coalitions in support for key programs and reaching across the aisle on matters of importance to Virginians. From ensuring adequate funding for aircraft carriers and submarines to modernizing our weapons systems, he was an ardent voice on the Armed Services Committee and an ally of every person who wears the uniform of the United States.

In his District, and throughout Virginia, his reputation as an outstanding Member of Congress was unparalleled. His legacy of constituent service, consensus building and selfless service is a model for all Members of Congress.

The people of the Fourth District, the Commonwealth of Virginia and the United States of America have truly benefited from his dedicated service and at this time of national crisis his military mind and Congressional experience are sorely missed. Norman was successful in every aspect of his life and we rightly dedicate this post office in his memory today.

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

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 2910.

The question was taken.

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

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

The yeas and nays were ordered.

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

USE OF TRUST LAND AND RESOURCES OF CONFEDERATED TRIBES OF WARM SPRINGS RESERVATION OF OREGON

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 483) regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon, as amended.

The Clerk read as follows:

H.R. 483

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

SECTION 1. AUTHORIZATION FOR 99-YEAR LEASES.

The first section of the Act entitled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955 (25 U.S.C. 415(a)), is amended—

(1) by inserting "the reservation of the Confederated Tribes of the Warm Springs Reservation of Oregon," after "Spanish Grant"); and

(2) by inserting "lands held in trust for the Confederated Tribes of the Warm Springs Reservation of Oregon" before "lands held in trust for the Cherokee Nation of Oklahoma".

SEC. 2. USE OF CERTAIN TRUST LANDS AND RESOURCES FOR ECONOMIC DEVELOPMENT.

(a) APPROVAL OF AGREEMENT.—The use of tribal lands, resources, and other assets described in the document entitled "Long-Term Global Settlement and Compensation Agreement", dated April 12, 2000 (hereafter referred to as the "GSA"), entered into by the Department of the Interior, the Confederated Tribes of the Warm Springs Reservation of Oregon (in this section referred to as the "Tribes"), and the Portland General Electric Company, and in the Included Agreements, as attached to the GSA on April 12, 2000, and delivered to the Department of the Interior on that date, is approved and ratified. The authorization, execution, and delivery of the GSA is approved. In this section, the GSA and the Included Agreements are collectively referred to as the "Agreement". Any provision of Federal law which applies to tribal land, resources, or other assets (including proceeds derived therefrom) as a consequence of the Tribes' status as a federally recognized Indian tribe shall not—

(1) render the Agreement unenforceable or void against the parties; or

(2) prevent or restrict the Tribes from pledging, encumbering, or using funds or other assets that may be paid to or received by or on behalf of the Tribes in connection with the Agreement.

(b) AUTHORITY OF SECRETARY.—

(1) IN GENERAL.—Congress hereby deems that the Secretary of the Interior had and has the authority—

(A) to approve the Agreement; and

(B) to implement the provisions of the Agreement under which the Secretary has obligations as a party thereto.

(2) OTHER AGREEMENTS.—Any agreement approved by the Secretary prior to or after

the date of the enactment of this Act under the authority used to approve the Agreement shall not require Congressional approval or ratification to be valid and binding on the parties thereto.

(c) RULES OF CONSTRUCTION.—

(1) SCOPE OF SECTION.—This section shall be construed as addressing only—

(A) the validity and enforceability of the Agreement with respect to provisions of Federal law referred to in section 2(a) of this Act; and

(B) approval for provisions of the Agreement and actions that are necessary to implement provisions of the Agreement that the parties may be required to obtain under Federal laws referred to in section 2(a) of this Act.

(2) AUTHORITY.—Nothing in this Act shall be construed to imply that the Secretary of the Interior did not have the authority under Federal law as in effect immediately before the enactment of this Act to approve the use of tribal lands, resources, or other assets in the manner described in the Agreement or in the implementation thereof.

SEC. 3. EFFECTIVE DATE.

This Act shall take effect as of April 12, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, on April 12 of 2000, the Warm Springs Tribe, Portland General Electric Company, and the Department of the Interior as the Tribe's trustee entered into an agreement for the Tribe to buy one-third or more of the 440-megawatt Pelton Hydroelectric Project on Oregon's Deschutes River. About one-third of that project is on the Warm Springs Tribal trust land.

The Tribe plans to use bonds to finance the \$30 million initial one-third acquisition of the project. A Federal law requires that any encumbrance of Indian trust resources be approved by the Interior Secretary. Interior asserts its current authorities are sufficient to authorize that approval for the Warm Springs trust resources. However, bond counsel asserts current authority is not express enough to allow for an unqualified opinion needed to issue those bonds. The Tribe and PGE also believe more express authority will help secure their agreement.

H.R. 483 addresses this situation by providing express approval specifically for the Pelton agreement so the bonds can be issued and the agreement is more secure. At the same time, it provides that this single case instance of approval is not to diminish Interior's existing authority to approve similar agreements.

The bill also authorizes Warm Springs trust land leases of up to 99 years at the Secretary's discretion.

Mr. Speaker, I hope that the House can unanimously support this piece of legislation. It is cosponsored by the entire Oregon delegation, and it will provide a needed economic development for the Warm Springs Tribes.

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

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

Mr. Speaker, this legislation will permit the Confederated Tribes of the Warm Springs Reservation of Oregon to enter into various leases concerning their trust lands for up to 99 years.

Over the years, and at the specific request of the affected Indian tribe, we have passed numerous similar bills in order to give Indian tribes more flexibility to develop trust lands for the benefit of their members. What is different about this bill, however, is that we are also giving Congressional approval to a settlement and business agreement entered into among the Tribe, the Department of the Interior, and the Portland General Electric Company. The agreement benefits all parties and will help bring needed economic development to the reservation.

Similar agreements between Indian tribes and private companies occur upon the approval of the Secretary of the Interior. While I support the passage of this bill today, it is important to stress that in doing so we are not questioning the Secretary's authority over such matters nor the validity of agreements bearing her approval.

With that, Mr. Speaker, I urge my colleagues to support the passage of H.R. 483.

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

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank the gentlewoman from yielding me this time.

Mr. Speaker, I rise to join my colleague from eastern Oregon in support of this legislation, and I am pleased to cosponsor it along with the gentleman.

Mr. Speaker, we have a special obligation as Members of this assembly to be sensitive to the needs of Native Americans. Sadly, the history of the United States brings no great credit to the Government or this body, and there have been many lost opportunities. I rise in support of H.R. 483 because it is one way to seize an opportunity and do the right thing.

H.R. 483 gives the Warm Springs Tribe the same control over their sovereign lands that other governments already enjoy. This act will allow the Warm Springs Tribal Government to lease its own land in the same manner that the Cherokee Nation and State and local jurisdictions have for years.

Certainly the Confederated Tribes of the Warm Springs Reservation in Oregon have shown that they have earned this right. They are located on the largest land holding in our State. They have a long history of excellent official relationships with State and Federal authorities in Oregon. They operate

their own tribal courts, health system, educational facilities, and law enforcement agencies. They have been leaders in economic development initiatives of which this provision would enable another chapter to move forward.

I have been pleased to work with the tribe in times past. I think it is high time for us to allow the tribe to express similar leadership that they have over their own land. The second provision approves the agreement by the tribes with General Electric to regulate projects on its land. As has been pointed out, this has been a long time in the making. It was approved a year and a half ago, and its time for Congress to add its seal of approval. I strongly urge my colleagues to vote for passage of H.R. 483.

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

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

Mr. Speaker, in closing, I thank the gentleman from Oregon (Mr. BLUMENAUER) for his kind comments and his generous support of this legislation and express my appreciation to the tribes and to Jefferson County and to Portland General Electric for their continuous work as we have wordsmithed this bill, probably more than any other bill I have been around, to make it conform to the needs of all of the parties involved. They have been quite patient and helpful in this process. I urge passage of this bill.

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 483, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF CONFERENCE REPORT ON H.R. 2590, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that it be in order at any time to consider the conference report to accompany H.R. 2590; that all points of order against the conference report and against its consideration be waived; and that the conference report be considered as read when called up.

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

There was no objection.

CHILOQUIN DAM FISH PASSAGE FEASIBILITY STUDY ACT OF 2001

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and

pass the bill (H.R. 2585) to authorize the Secretary of the Interior to conduct a study of the feasibility of providing adequate upstream and downstream passage for fish at the Chiloquin Dam on the Sprague River, Oregon.

The Clerk read as follows:

H.R. 2585

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chiloquin Dam Fish Passage Feasibility Study Act of 2001".

SEC. 2. CHILOQUIN DAM FISH PASSAGE FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary of the Interior shall, in collaboration with all interested parties, including the Modoc Point Irrigation District, the Klamath Tribes, and the Oregon Department of Fish and Wildlife, conduct a study of the feasibility of providing adequate upstream and downstream passage for fish at the Chiloquin Dam on the Sprague River, Oregon.

(b) SUBJECTS.—The study shall include—

(1) review of all alternatives for providing such passage, including the removal of the dam;

(2) determination of the most appropriate alternative;

(3) development of recommendations for implementing such alternative; and

(4) examination of mitigation needed for upstream and downstream water users, and for Klamath tribal non-consumptive uses, as a result of such implementation.

(c) REPORT.—The Secretary shall submit to the Congress a report on the findings, conclusions, and recommendations of the study by not later than 1 year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

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

Mr. Speaker, H.R. 2585 is another of my bills that will address the current plight of fish and farmers in the Klamath Basin. The Klamath Basin is in both southern Oregon and northern California, and has Endangered Species Act-listed suckers, salmon and bald eagles. There are several tribes with treaty rights that must be respected.

The Klamath Project, operated by the Bureau of Reclamation, has historically delivered water to about 200,000 acres. This year, however, the basin is experiencing a severe drought, on top of which the Klamath Project has been asked to provide additional water for species listed under the Endangered Species Act.

The feasibility study required in this legislation is needed to address an imminent endangered species habitat claim against the Chiloquin Dam in southern Oregon, which is the Modoc Point Irrigation District's current gravity flow diversion source. This dam blocks suckers from reaching 95 per-

cent of their former spawning and juvenile rearing habitat in the warm water reaches of the Sprague River.

Several parties have identified the Chiloquin Dam as constituting a significant habitat problem for endangered suckers. They include: the Klamath Tribes, U.S. Fish and Wildlife, Bureau of Reclamation, Oregon Department of Fish and Wildlife, and the Klamath Water Users Association.

I have worked in consultation with the Modoc Point Irrigation District and the Klamath Tribes to craft this legislation requesting this study of this dam. The study will include review of all alternatives for providing passage, including removal of the dam; determination of the most appropriate alternative; development of recommendations for implementing the alternative; and examination of mitigation needed for upstream and downstream water users as a result of such implementation.

I would also point out that this legislation was cosponsored by several members of this committee, including the gentleman from Oregon (Mr. DEFazio).

This legislation is long overdue. The need to study this impediment is long overdue. Despite the crisis our Nation faces today, the farmers in this basin continue to face a crisis of their own, both economically and for their future. We need to move forward to resolve the issues that have blocked their ability to get water and the other help they need. Madam Speaker, I ask for the support of the entire House for this common sense, straightforward and balanced legislation.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 2585, and I note that a long-standing member of the Committee on Resources, the gentleman from Oregon (Mr. DEFazio), is a cosponsor of this bill.

Restoring fish habitat in the Klamath Basin is complicated and often controversial. Making decisions based on scientific studies of water operations and habitat requirements can help prevent more confrontations over scarce water supplies.

The studies authorized by H.R. 2585 need to be carefully designed and carried out. These studies should consider all factors that affect fish survival in the basin, including the possible need to restore wetlands and riparian habitats. I thank the sponsor and cosponsors of this bill, and I urge my colleagues to support H.R. 2585.

Mr. WALDEN of Oregon. Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

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

Madam Speaker, I am here to support H.R. 2585 introduced by the gentleman from Oregon (Mr. WALDEN). It is true that we have a great deal of tension and frustration in the Klamath Basin these days, and I commend the gentleman for taking specific steps to help relieve some of that pressure.

This bill is an important step in studying alternatives for the improvement of fish passage for the endangered species. These endangered species have generated a great deal of controversy and attention. I for one feel that in some instances some of the frustration was misplaced in terms of trying to divert the blame for the problem in the Klamath Basin somehow to the fish themselves.

I note with some interest that one of the Klamath Basin Native American leaders pointed out to me that blaming the fish for the water problem is a lot like blaming the gas gauge on your car if one runs out of gas. Having the gas gauge register empty, it is not the problem of the gas gauge, it is the fact that the car has run out of gas.

What we are facing here is a condition that is the result of systematic action on the part of the Federal Government for over a century of making too many demands on scarce water in this arid basin.

We must not lose sight of the big picture within the Klamath Basin. It once held 350,000 acres of shallow lakes, fresh water marshes, wet meadows, and seasonally flooded basins throughout southeastern Oregon and northern California. Today, nearly 80 percent of the basin's wetlands have been drained and converted to agriculture; in some cases, water-intensive agriculture. It is no mystery that we have run into problems. The Federal Government has not had appropriate policies to deal with the overcommitment of the water in this basin.

Just as important, if not more important than the improvement of fish passage, is the restoration of wetlands to improve the spawning grounds of the fish that are vital to the tribes of this area and to the entire ecosystem.

While I fully endorse this bill, which will authorize the feasibility study to improve the fish passage at Chiloquin Dam, I urge my colleagues and the Department of the Interior to remain aware of the interconnectedness of the resources and the user needs throughout the Klamath Basin.

I hope that this Congress will yet come forward, when we are spending hundreds of millions of dollars in disaster relief, when we have a whole host of pressing problems, that we do not turn our back on the needs of the environment of the Klamath Basin, of farmers who were encouraged to farm there as a result of government policies, and that we take steps to help reclaim some of that natural environment, reduce the stress on water in that basin.

Madam Speaker, this is an important step; but I hope we continue to look at the big picture.

Mr. WALDEN of Oregon. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I appreciate the comments of the gentleman from Oregon (Mr. BLUMENAUER) and for his willingness to support this legislation, and to find balanced solutions for the problems that we face in the Northwest.

Madam Speaker, it is interesting, I had not visited this dam until a year or so ago, and at that point I invited the Modoc Point Irrigation District directors and the tribal leaders from there to both join me at the site of this dam. I did not know what to expect. I had not seen it, but I had heard and read a lot about it.

As we approached the dam, walked down, the skies were dark and it began to pelt rain and snow, not heavily, but it was one of those cold wet days. As I stood and looked at this concrete obstruction that backs water up and then allows water to be diverted into the Modoc Point District, we have to make sure that they continue to get access to water.

When one looks at the dam itself, the top is wood and wire and it is all kind of broken down and disheveled. It is a mess. There is evidence of three fish passage ladders, two of which have crumbled down to basically the rebar and the concrete. The third one against the side where we were standing seemed to function fairly well. The biologist told us there are some 700 suckers that make their way through and up to the upper end where the habitat is impaired, and there is a lot of work we can do there, I think.

I said, How many fish try to get up here? They do not know. It is hard to measure success if we do not know how many are trying to get up versus how many that do. The long and short of it is, this has been an impediment for at least a decade and yet nothing has happened. Like my colleague, I want to make something happen. I want to try to solve these problems so we have a viable environment and a vibrant agricultural economy because I think they can co-exist in the Klamath Basin. The comments of the gentleman regarding farmers invited to settle, not only were they invited, we invited our veterans, our men and women who wore the uniform of this country and defended our freedom abroad, to participate in a lottery. We promised to give them land and a guarantee of water for life if they would settle and develop this area.

□ 1615

It is one of the oldest irrigation projects in America. It was one of the first.

Over time, more and more promises have been given, more and more people settled. These are real people who are facing real bankruptcy right now. This Congress and this administration helped with a \$20 million commitment to kind of tide them over, but it is not enough. We have got to do more. We

have got to break through some of these barriers and solve some of these problems if we are going to have a long-term solution. We have got to act quickly. This study will still take a year, but it is a lot less time than it would have taken if we did not pass this legislation because they have had 10 years to try and figure it out.

The Klamath water users have put together a very comprehensive report on how to deal with a whole host of solutions in this basin, to improve habitat, to improve water quality and still have viable agriculture. A lot of those have fallen on deaf ears over time. Many of them were at the agency level and not enacted. We cannot stand by and let this happen. This is a huge crisis for many, many, many families. A thousands plus farms are affected right now, today. They do not know what is going to happen next year. They come to us and ask, will we have water? We do not know. We do not know. That is why this legislation and legislation to grant them other relief from operation and maintenance costs that is pending in the committee that is going to help me get it through here, and other emergency relief legislation we have just got to act on.

I commend the Committee on Resources. I thank them for their effort. I commend my colleagues. I ask for their approval of this legislation.

Mr. BLUMENAUER. Madam Speaker, I rise in support of H.R. 2585, the Chiloquin Dam Fish Passage Feasibility Study Act of 2001. This bill takes an important step into studying alternatives for the improvement of fish passage for endangered fish species.

However, we must not lose sight of the big picture within the Klamath Basin. The Klamath Basin once held 350,000 acres of shallow lakes, freshwater marshes, wet meadows, and seasonally flooded basins in Southeastern Oregon and Northern California. Today, nearly 80 percent of the Basin's wetlands have been drained and converted to agriculture.

Just as important, if not more important than the improvement of fish passage, is the restoration of wetlands to improve the spawning grounds of the fish that are vital to tribes in the area.

While I fully endorse this bill, which will authorize a feasibility study to improve fish passage at the Chiloquin Dam, I urge my colleagues and the Department of Interior to remain aware of the interconnectedness of resources and user-needs throughout the Klamath Basin.

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

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 2585.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

**BUFFALO BAYOU NATIONAL
HERITAGE AREA STUDY ACT**

Mr. WALDEN of Oregon. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1776) to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas, as amended.

The Clerk read as follows:

H. R. 1776

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Buffalo Bayou National Heritage Area Study Act".

SEC. 2. NATIONAL PARK SERVICE STUDY REGARDING BUFFALO BAYOU, TEXAS.

(a) *FINDINGS.—The Congress finds the following:*

(1) *The area beginning at Shepherd Drive in west Houston, Texas, and extending to the Turning Basin, commonly referred to as the "Buffalo Bayou", made a unique contribution to the cultural, political, and industrial development of the United States.*

(2) *The Buffalo Bayou is distinctive as the first spine of modern industrial development in Texas and one of the first along the Gulf of Mexico coast.*

(3) *The Buffalo Bayou played a significant role in the struggle for Texas independence.*

(4) *The Buffalo Bayou developed a prosperous and productive shipping industry that survives today.*

(5) *The Buffalo Bayou led in the development of Texas' petrochemical industry that made Houston the center of the early oil boom in America.*

(6) *The Buffalo Bayou developed a sophisticated shipping system, leading to the formation of the modern day Houston Ship Channel.*

(7) *The Buffalo Bayou developed a significant industrial base, and served as the focal point for the new city of Houston.*

(8) *There is a longstanding commitment by the Buffalo Bayou Partnership, Inc., to complete the Buffalo Bayou Trail along the 12-mile segment of the Buffalo Bayou.*

(9) *There is a need for assistance for the preservation and promotion of the significance of the Buffalo Bayou as a system for transportation, industry, commerce, and immigration.*

(10) *The Department of the Interior is responsible for protecting the Nation's cultural and historical resources. There are significant examples of such resources within the Buffalo Bayou region to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the Buffalo Bayou Partnership, Inc., the State of Texas, and other local and governmental entities, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.*

(b) *STUDY.—*

(1) *IN GENERAL.—The Secretary shall, in consultation with the State of Texas, the City of Houston, and other appropriate organizations, carry out a study regarding the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in Houston, Texas.*

(2) *CONTENTS.—The study shall include analysis and documentation regarding whether the Study Area—*

(A) *has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes non-contiguous resources and active communities;*

(B) *reflects traditions, customs, beliefs, and folklore that are a valuable part of the national story;*

(C) *provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;*

(D) *provides outstanding recreational and educational opportunities;*

(E) *contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;*

(F) *includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants, including the Federal Government, and have demonstrated support for the concept of a national heritage area;*

(G) *has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and*

(H) *has a conceptual boundary map that is supported by the public.*

(c) *BOUNDARIES OF THE STUDY AREA.—The Study Area shall be comprised of sites in Houston, Texas, in an area roughly bounded by Shepherd Drive and extending to the Turning Basin, commonly referred to as the "Buffalo Bayou".*

(d) *SUBMISSION OF STUDY RESULTS.—Not later than 3 years after funds are first made available for this section, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Madam Speaker, I yield myself such time as I may consume.

H.R. 1776, introduced by my friend the gentleman from Texas (Mr. GREEN), authorizes the Secretary of Interior to complete a study on the suitability and feasibility of establishing the Buffalo Bayou National Heritage Site in Houston, Texas. The designation would highlight the cultural, historic, political and economic significance that Buffalo Bayou played in the formation of modern day Houston.

The Buffalo Bayou, nicknamed the "Highway of the Republic," played an important role in the history and development of the City of Houston and the State of Texas, particularly as an immigration and navigation route beginning in the 1820s. It was the most reliable route for navigation into the interior of Texas, which eventually led to the Houston Ship Channel. In addition, a multitude of historic sites, early ethnic neighborhoods, several segments of the Great Coastal Texas Birding Trail, and some of Houston's oldest park areas line the banks of the Buffalo Bayou.

Madam Speaker, this bill was amended at the subcommittee proceedings which specified criteria the Secretary

shall consider in the development of the study, removed the appropriations authorization, and added the standard 3-year time limit for completing the study. The bill now has been agreed to by the minority and the administration. I urge my colleagues to support H.R. 1776, as amended.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1776 would authorize a study of an area in Houston, Texas known as Buffalo Bayou to determine whether it would be suitable and feasible to designate it as a National Heritage Area. The study would be governed by well-established criteria for making such determinations and the results would be presented back to the relevant committees in the House and Senate. Finally, the bill authorizes funding to complete the study.

Madam Speaker, the Buffalo Bayou is an important waterway both economically and historically. According to the findings in the legislation, the area played a significant role in the fight for Texas' independence as well as in the development of the petrochemical industry in Texas and in the Nation as a whole. Given this history, the area certainly sounds promising, but only a formal study can determine if Buffalo Bayou retains the kinds of resources required for addition to our National Park System.

We commend the gentleman from Texas (Mr. GREEN) on his hard work on this legislation and look forward to the results of this important study.

Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Madam Speaker, as the author of this legislation, I would like to thank my colleague the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), also the gentleman from Utah (Mr. HANSEN), also former chairman of the subcommittee the gentleman from Colorado (Mr. HEFLEY) and also the gentleman from West Virginia (Mr. RAHALL) and the staff of the Committee on Resources for their great work on this bill.

H.R. 1776, the Buffalo Bayou National Heritage Area Study Act, begins a process of helping the people of Houston and east Harris County recognize the cultural significance of our community. The Buffalo Bayou waterway was the starting point for what is now the City of Houston.

The Allen brothers, Houston's original founders, first came through this stretch of water on their way to a new settlement that would eventually become Houston, Texas. As Houston grew, Buffalo Bayou grew with it as the heart of the early Gulf Coast industrial complex. The legislation being considered before us today authorizes the National Park Service to study whether this waterway should be designated as a National Heritage Area.

Although the National Park Service feasibility study does not in itself mark Buffalo Bayou as a National Heritage Area, it is the first step in that process.

As a lifetime Houston resident, I believe that designating Buffalo Bayou as a National Heritage Area would further the redevelopment of the community by bringing more Federal resources to our area. Such a designation would highlight the historic significance of this waterway and the surrounding community.

Buffalo Bayou is the original industrial spine of Houston and was the building block for what is now the Port of Houston, the Nation's second largest port. In addition, the numerous historic sites and events which have taken place in and around Buffalo Bayou makes this waterway a perfect candidate for a National Heritage Area designation.

All these facts will be borne out as the National Park Service begins to contact our local sponsor, the Buffalo Bayou Partnership. Anne Olson, Executive Director of the Buffalo Bayou Partnership, brings tremendous organizational and fund-raising abilities to this effort, and I will continue to work closely with her organization to incorporate this designation into the overall master plan for east Harris County. It is the strong public-private partnership already in place that will help gain a positive recommendation from the National Park Service on our designation request.

I believe local support is vital for making a National Heritage Area work. Madam Speaker, I am working in close collaboration with our local elected officials to map out an action plan that will provide maximum local flexibility in determining how our local history will be told if we receive such a National Heritage Area. This legislation has the strong support of both our Harris County Judge Robert Eckles and our Houston Mayor Lee Brown, both of whom recognize that our community has a historic story to tell our visitors. Their help has been invaluable. I would like to thank them for their assistance in this endeavor.

Madam Speaker, I again thank the committee and the staff for their efforts.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in strong support of H.R. 1776, The "Buffalo Bayou National Heritage Area Study Act." This legislation is a welcome recognition of the historical background of my fair city, Houston, TX, and an opportunity to expand the rich cultural landscape of the American Southwest.

The Buffalo Bayou area in Texas helped to establish an economic foothold for settlers of the gulf coast region. Without this early industry, which included both shipping and refining petroleum, the Buffalo Bayou area might not have developed into the thriving metropolis it has become.

Madam Speaker, though the factual importance of Buffalo Bayou is clear, its significance to the socioeconomic landscape at place in

America is not as fully known. This legislation will remedy that situation by authorizing the Department of the Interior to study the feasibility of establishing the Buffalo Bayou National Heritage Area in Houston. Passage of this legislation will allow this agency to analyze and document the area's natural, historic, and cultural resources. As I am confident that such a studies will lead to a full recognition of the wealth of Americana associated with what we now know as Houston, TX.

Madam Speaker, many Americans are unaware that many of this nation's most significant events have taken place in Texas. For example, Juneteenth, which is recognized by several States as the official holiday of Black emancipation, is based on events that took place in Texas. H.R. 1776 will help to discover and publicize other significant places and events in the development of our nation and way of life. By cooperating with local residents, public and private concerns, all relevant parties will be given an opportunity to work together to shape the collective memory of this historical treasure.

H.R. 1776 is an excellent example of the effective use Interior Department funds, and I encourage all Members to support this legislation.

Mr. BENTSEN. Madam Speaker, I rise in strong support of H.R. 1776, which authorizes a National Park Service study of a Buffalo Bayou National Heritage Area in Houston, Texas. I applaud our colleague Congressman GENE GREEN for introducing it. The City of Houston was founded on the banks of Buffalo Bayou by the Allen brothers and there Houston's future as a world shipping center was born. With the help of the U.S. Congress and the determination of early local leaders like Congressman Joseph C. Hutcheson, Congressman Thomas Henry Ball, and Mayor H. Baldwin Rice, the Houston Ship Channel was born out of the mouth of Buffalo Bayou.

Although Houston has achieved great prominence in maritime trade, Buffalo Bayou has means more to Houston than just commerce. Buffalo Bayou retains a great scenic beauty as it flows across Harris County through Memorial Park and Downtown to the San Jacinto River and has the potential to provide a great deal more scenic, open space, and historic community value.

This legislation will allow the National Park Service to investigate the potential for a Buffalo Bayou national heritage area. I congratulate my colleague and friend GENE GREEN for his hard work on the bill, and I believe the Park Service will find the Buffalo Bayou a unique historic cultural area deserving of financial and planning assistance for historic preservation, revitalization, and beautification efforts. If the Park Service and Congress both approve the Buffalo Bayou Heritage Area, Houston communities will have access to \$10 million in improvement funds along with Park Service planning expertise. Today is the first step towards obtaining a Park Service commitment to enhancing the birthplace of Houston, our Nation's fourth largest city.

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

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 1776, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXPRESSING PROFOUND SORROW OF THE CONGRESS FOR DEATH AND INJURIES SUFFERED BY FIRST RESPONDERS IN AFTERMATH OF TERRORIST ATTACKS ON SEPTEMBER 11, 2001

Mr. LATOURETTE. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 233) expressing the profound sorrow of the Congress for the death and injuries suffered by first responders as they endeavored to save innocent people in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001.

The Clerk read as follows:

H. CON. RES. 233

Whereas law enforcement officers, firefighters, and emergency medical personnel are collectively known as first responders;

Whereas following the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001, first responders reacted immediately in evacuating and rescuing innocent people from the buildings;

Whereas first responders also arrived quickly at the crash site of United Airlines flight 93 in southwestern Pennsylvania;

Whereas if it were not for the heroic efforts of first responders immediately after the terrorist attacks, numerous additional casualties would have resulted from the attacks;

Whereas as the first emergency personnel to arrive at the scenes of the terrorist attacks, first responders risked their lives in their efforts to save others;

Whereas while first responders were bravely conducting the evacuation and rescue after the terrorist attack on the World Trade Center, the two towers of that complex collapsed, and many first responders themselves became victims of the attack;

Whereas the everyday well-being, security, and safety of Americans depend upon the official duties of first responders;

Whereas in addition to their official duties, first responders around the Nation participate in planning, training, and exercises to respond to terrorist attacks;

Whereas emergency managers, public health officials, and medical care providers also invest significant time in planning, training, and exercises to better respond to terrorist attacks in the United States;

Whereas the Nation has not forgotten the heroic efforts of first responders after the bombing of the World Trade Center on February 26, 1993, and the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, on April 19, 1995;

Whereas there are numerous Federal programs that help prepare first responders from across the Nation, including the Domestic Preparedness Program and other training and exercise programs administered by the Department of Justice;

Whereas there are also domestic preparedness programs administered by the Federal Emergency Management Agency, which together with the programs of the Department

of Justice support State and local first responders with funding, training, equipment acquisition, technical assistance, exercise planning, and execution;

Whereas many of the first responders who participate in such programs do so on their own time;

Whereas an effective response of local first responders to a terrorist attack saves lives; and

Whereas in response to a terrorist attack, first responders are exposed to a high risk of bodily harm and death as the first line of defense of the United States in managing the aftermath of the attack: Now, therefore, be it

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

(1) expresses its profound sorrow for the death and injuries suffered by first responders as they endeavored to save innocent people in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001;

(2) expresses its deepest sympathies to the families and loved ones of the fallen first responders;

(3) honors and commends the first responders who participated in evacuating and rescuing the innocent people in the World Trade Center and the Pentagon after the terrorist attacks;

(4) encourages the President to issue a proclamation calling upon the people of the United States to pay respect to the first responder community for their service in the aftermath of the terrorist attacks and their continuing efforts to save lives; and

(5) encourages all levels of government to continue to work together to effectively coordinate emergency preparedness by providing the infrastructure, funding, and inter-agency communication and cooperation necessary to ensure that when another terrorist attack occurs, first responders will be as prepared as possible to respond to the attack effectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Madam Speaker, I would first note that H. Con. Res. 233 was discharged from committee consideration and has been expeditiously brought to the floor for immediate action. Although this is not the normal process, in the interest of time the committee will occasionally discharge consideration, particularly for a measure as important as this. What the House will do in the next 40 minutes is important, and we will discuss, and this piece of legislation will honor true American heroes.

H. Con. Res. 233 recognizes the sacrifice and dedication of all of the emergency responders who risked their lives assisting in relief efforts following the terrorist attacks of September 11. Tragically, many of these initial responders became victims of the attacks and did not survive the collapse of the World Trade Center. Three hundred forty-three firefighters, 23 police officers, and 74 members of the Port Authority are all dead and many are still missing. Twenty-eight engine compa-

nies suffered losses in New York, and another 25 ladder companies. The Fire Department lost its chaplain and its heroic chief. In fact, Madam Speaker, so many commanders were lost that fateful morning that Mayor Giuliani needed to promote 168 new officers 2 days later. The sense of duty that these heroic men and women felt on the morning of September 11 is nothing short of extraordinary. Those on-duty, off-duty, retired, on medical leave and on vacation rushed to the scene. One group of firefighters even commandeered a city bus in order to get to the scene. They went in so thousands more could get out.

James Coyle, who was a rookie firefighter at age 26, was on vacation. He rushed to the scene to join Ladder Company No. 3 that morning and it cost him his life. Walwyn Stuart had left his job as a New York City narcotics cop when his wife became pregnant. He wanted safer work and he joined the Port Authority police. The morning of September 11 he was on duty at the PATH station at the World Trade Center. He helped evacuate the station and then went into the North Tower to save others. He has left behind a wife and a 1-year-old daughter.

James Corrigan, the World Trade Center fire marshal, is credited with leading a team of his men to get dozens of children out of day care facilities that morning. He and five of his colleagues died, but not before saving the children, some of whom were trapped because the exits near the day care center were clogged with folks trying to rush out of the building. Corrigan and his men broke through windows and carried the children through shattered glass to safety before rushing back in to help others.

Madam Speaker, there are so many stories of heroism and courage that have fortified our country since September 11. Americans have the most profound respect for our police and firefighters before and certainly now. These men and women were the first in, and to this day the rescuers have paused only to honor the dead and the missing. There are countless stories of firefighters having their charred, melted boots cut off their feet, of having their wounds bandaged and then defying doctors' orders and returning, battered and exhausted, to Ground Zero to try to find that one living miracle.

As a Nation, we are awed and humbled by their courage, their effort and their sacrifice. We thank those who rushed into the fiery World Trade Center and the Pentagon and rose to the challenge that was the core of their everyday lives and their beloved professions. We grieve for all those rescue workers who gave their lives, for the 4,700 innocent victims of this abhorrent terrorist attack, and for the family members and friends who are left behind.

So many lives were changed forever that morning. Fathers, mothers, sons,

husbands, wives, daughters, coworkers and friends were lost. Those moments of terror forever changed the landscape of too many families in this country. Jean Palombo of Brooklyn, who was the wife of Frank Palombo of Ladder Company 105, became a widow at the age of 41. She is today left to raise 10 children, ages 11 months to 15 years, eight boys and two girls. Gigi Nelson was 8 months pregnant with her first child when her husband, Peter, went into the World Trade Center that morning. He was working overtime with Rescue Company No. 4 on September 11 to help out with the expenses of the new baby. Twenty-five days after the World Trade Center collapsed, Peter Nelson's first child, daughter Lyndsi Ann, was born. When she is old enough, Madam Speaker, she will learn of her father's heroism.

These children and so many others will grow up knowing what America knows, that their parents were heroes in the purest sense of the word. It is fitting that we take this opportunity to consider H. Con. Res. 233 to pay tribute to those first responders who perished while doing their jobs and while saving so many others.

I urge my colleagues to join in support of this resolution.

Madam Speaker, I reserve the balance of my time.

□ 1630

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

Madam Speaker, I am pleased to join the gentleman from Oklahoma (Mr. WATTS) and many of our colleagues in strong support of this legislation.

House Concurrent Resolution 233 honors and commends the first responders who responded to the call to evacuate and rescue thousands of people at the World Trade Center, the Pentagon, and the crash site of United Flight 93 in Pennsylvania following the horrific events of September 11.

This resolution also expresses our profound sorrow for the emergency service personnel who were injured or perished on September 11 and extends our sympathy to their families. It encourages the President of the United States to issue a proclamation calling upon the American people to support our emergency service workers and encourages all levels of government to continue to work together to coordinate emergency preparedness.

These first responders, our firefighters, law enforcement officers and emergency medical service personnel, risked and gave their lives so that others could get to safety.

In the immediate days following the attack, thousands of the first responders rushed to offer assistance, and many are still working around the clock at the World Trade Center and the Pentagon. We are very appreciative for what they have done and continue to do. Without their help, many more would have been injured or perished.

Our Nation's emergency preparedness is dependent upon our local first responders. Federal programs within FEMA and the Department of Justice help prepare and support first responder programs, but the strength of the program nationwide is that the service providers are local. They are often volunteers, and each of them is highly involved in their community.

I strongly encourage all levels of government to work together to more effectively plan and coordinate our Nation's domestic terrorism programs. As we have witnessed, the emergency responders are our first line of defense in the aftermath of a terrorist incident. It is critical that our Nation and our national preparedness programs assist our local first responders by providing them with the best information, training, and equipment.

Madam Speaker, our Nation's first responders deserve our gratitude for their heroic work on September 11 and what they do to protect and help all of us and our families 24 hours a day, 7 days a week, 365 days a year. I urge my colleagues to join me in supporting this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Madam Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Oklahoma (Mr. WATTS), the author of House Concurrent Resolution 233.

Mr. WATTS of Oklahoma. Madam Speaker, I thank my friend from Ohio for yielding me time.

Madam Speaker, I rise to honor and respect and pay homage to the brave American firefighters, police officers, and emergency medical professionals who suffered injury and death as they helped those in need during the terrorist attack on our Nation.

September 11, 2001, stirs many feelings to many people. I feel happy to be an American. Witnessing the heroic actions by these first responders shows that even in the face of senseless violence, there can be good. Knowing that so many people came to the aid of their neighbors proves there is so much goodness in this great land that we all call home.

Just like the first responders 6 years ago in Oklahoma City, the emergency personnel in Manhattan, Pennsylvania, and at the Pentagon have done yeomen's work under the most difficult of circumstances. No one woke up that morning to know what would lie ahead. No one had warning or time to prepare that day. It was an immediate reaction of aid and rescuers, a life-saving effort of service to their country.

To the families of the fallen, nothing can bring back the lives of loved ones. But Congress today expresses its profound sorrow while offering its bottomless gratitude. We are sorry you are suffering over the loss of your family and friends. We are grateful for the heroism exhibited by first responders who put their country, their duty and

their love of their neighbors before themselves.

The stories will be told for many years to come. There will be new anecdotes, new names and new faces. They will inspire generations of young first responders and offer reflection for all citizens alike.

First responders plan and train for mass casualties every day, hoping the need for such large and difficult rescue efforts remains an exercise. But September 11 was real. The loss of life and injury to first responders was real. The attacks on our Nation were real.

First responders will be there on the frontline for future tragedies. They will work night and day to rescue and assist the afflicted and the affected and the injured. We must never forget the work that they do. We must never forget the sacrifices that they make.

I thank my colleagues, and especially the gentleman from New York (Mr. ENGEL), who has cosponsored this resolution with me; and I urge all Members to support this tribute to the first responders who made the ultimate sacrifice during their service to our Nation.

Madam Speaker, I close by just reminding how often in the year 2001 in today's society, we often throw around the word hero, and we are pretty cavalier about the word hero. But if you want to go and see a real live hero, go look at the men and women who put on the uniforms every day to serve in our fire departments around the country, some on a volunteer basis, those men and women who put on the police uniforms every single day. I might add I am pretty proud to say my father was a police officer, so I know the sacrifices that those men and women make, the selfless commitment that they make to our communities, to our States, to our Nation.

On behalf of a grateful Nation, we say thank you to all of those first responders who go out every day and show us what real heroes are all about.

Mr. COSTELLO. Madam Speaker, I yield 5 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Madam Speaker, I thank my friend for yielding me time; and I thank my colleague, the gentleman from Oklahoma (Mr. WATTS), for working with me on this resolution, as we have worked on so many other things in the past and will continue to do so in the future.

This resolution was being put together prior to the events of September 11, but the events of September 11 have made us realize even more how fortunate we are to have the first responders. First responders obviously did not start on September 11. They have been there with us for all time; and we are very, very deeply grateful.

The events of September 11 will be with us always. My thoughts and prayers are with all the families affected by this terrible tragedy. Though my heart is heavy, my spirits have been lifted by the incredible heroism and outpouring

of support that we have witnessed since that day.

The American spirit has not been diminished. Instead, it has been energized. On behalf of New York, I want to sincerely thank my colleagues and the American people for their outpouring of support to all of us during these very, very difficult times.

I am so pleased to be here today and have the House of Representatives considering this resolution. It is, of course, timely and, of course, very warranted.

I think it is particularly poignant that the gentleman from Oklahoma (Mr. WATTS) is the sponsor of this resolution. I am proud to be a sponsor with him. The people of Oklahoma also know personally of the tragedy of terrorism.

I do not know of anyone who does not get choked up when we hear the stories of people rushing away from the World Trade Center on the terrible day of September 11. But when they were rushing away, they were passing firefighters and police officers and emergency medical personnel who were running toward the World Trade Center. These first responders did not think of their own lives; they thought of saving other lives.

So this resolution honors and commends the first responders, law enforcement officers, firefighters, and emergency medical personnel, who participated in evacuating and rescuing people at the World Trade Center and the Pentagon after the terrorist attacks on September 11. It also expresses Congress' profound sorrow for the deaths and injuries suffered by first responders and extends its deepest sympathies to the families and loved ones of those who died.

I might say I visited ground zero a number of times and have again been overwhelmed by the outpouring of first responders again trying to pick through the rubble and trying to help and just trying to give comfort. First responders, ironworkers, my dad was an ironworker for 40 years. It is something that really makes us proud to be Americans, proud to be New Yorkers.

Like so many people, like so many New Yorkers, I have been personally affected by the attacks. My good friend and constituent, Sally Reganhard, lost her son Christian, who was also my constituent. Christian was a firefighter for only 6 weeks in New York City, and on September 11 he responded to the call of duty as he had during those past 6 weeks. We memorialized him last Friday at St. Patrick's Cathedral in New York. It was very, very difficult. There were thousands and thousands of people there, and firefighters from all around the country and Canada.

Although my friend is very sad, indeed she and I and everyone who knew Christian are also very proud. He will always be with us and will always be a great role model and hero, again, as will all the other first responders who responded on those days.

All Americans owe so much to these brave men and women that Congress is

taking the time to recognize. It is the least we can do. Again I want to thank all my colleagues on both sides of the aisle who have done so much to make this resolution a reality. We will continue to provide aid and comfort to those who suffered the terrible tragedies of September 11.

Mr. LATOURETTE. Madam Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Madam Speaker, I thank the chairman for yielding me time.

I want to thank the chairman and ranking member and the staff on both sides for bringing this resolution to the floor in what really is a timely manner for us to say a few words to, in the way we can, to honor those people who went to the tragedy to save lives and to comfort the afflicted.

Whether they were firemen or policemen or medical personnel or just an average citizen responding to a tragedy, they responded in a way to save lives. They responded in a way to comfort those who were injured. They did not respond to political ideology, they did not respond to religious differences, they did not respond to the cultural divide that separates us from much of the rest of the world. They responded, pure and simple, to human suffering, human tragedy and human need. This is what we come here today to honor.

It is very difficult for us to comprehend the madness that caused this tragedy. That is in fact pervasive and persistent in a tiny fraction of the human population. But it is easy to understand why so many brave men and women gave their lives on that tragic morning of September 11. It is easy for us, and we should always remember the unity of purpose for which they gave their lives and for which we are here this afternoon honoring that courage and that strength. It is for those young men and women, those middle-aged men and women, and those senior citizens that gave their lives that morning and for their friends and for their relatives and for America, to never forget. We will prevail.

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

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

Madam Speaker, to briefly close, we want to thank on the subcommittee and the full committee the work of the gentleman from Oklahoma (Mr. WATTS) and the gentleman from New York (Mr. ENGEL) for bringing this important piece of legislation to our attention. We want to thank the leadership of our committee, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG), for making sure it is being expeditiously considered.

Madam Speaker, there are some things that you do not think you are going to see in life. Many in this Cham-

ber and have had the opportunity to visit the carnage at the Pentagon and what was the World Trade Center, what is known as ground zero, but no one in this Chamber was there as it was occurring. But the men and women that we honor with H. Con. Res. 233 were in fact there.

I was struck, I come from a small town, I know my ranking member, the gentleman from Illinois (Mr. COSTELLO), does not come from a big area like the gentleman from New York City (Mr. ENGEL), but from time to time in our local newspapers we will see a display such as it this, and it will be the smiling graduating class of a police or fire academy.

□ 1645

On September 23, this ran in The New York Times. Madam Speaker, these faces are the faces of those who died in an attempt to save others, not just an attempt, they saved countless others on the morning of September 11. It is not until that we can look at two full pages in the newspaper of lives that were full and vibrant prior to that morning of September 11 that we recognize again not only the gravity of what these terrorists have done to our country, but the raw courage of the first responders and the fire, the police and the Port Authority of New York City and in Washington, D.C. as well. So I am certain that every one of our colleagues will support this legislation, and I urge them to do that.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of H. Con. Res. 233. Passage of this resolution pays proper respect to those brave public servants who were first to arrive at the World Trade Center and the Pentagon after the events that unfolded September 11, 2001.

Madam Speaker, it has been nearly two months since the Nation was shocked into a new reality by agents of terror. In the days and weeks following these events, Americans of all races and creeds have been impressed with both the magnitude of the task those who responded first had to perform and the valor with which these public servants performed their duties.

People all over the world have taken to calling these men and women heroes because of their selflessness, and this body should be no exception. It is fitting, then that we take time here today to honor those heroes. Those first to respond must hear clearly that America says thank you. Those first responders who were injured or lost their lives must also be recognized. To those brave public servants and their families I say, "thank you for all you have sacrificed for this nation."

Madam Speaker we find ourselves in a new war. In this new war, we must develop new levels of respect for those who choose to save lives for a living. The contribution they have chosen to make to society has taken on a renewed importance. It is therefore of the utmost importance that we continue to find ways to integrate the actions of the various civic, state and federal institutions whose personnel must coordinate actions at the scene of a tragedy.

This Congress is united in its support for those citizens whose job it is to save the day.

We thank you and honor you for the work that you have done, and we ask that God continue to bless you as we face this uncertain future.

Mr. CRAWLEY. Madam Speaker, first I would like to thank Congressman WATTS and my friend, Congressman ENGEL of New York for sponsoring this important resolution.

Who are first responders?

First responders are the brave policemen and women who raced to the scene of these horrific crimes against humanity. They are the firemen and women who raced to crumbling buildings veiled in stinging smoke and filled with fire without any thought to their personal safety. They were the emergency rescue personnel, EMT's, that perished in last month's terrorist attacks so that others may live.

I do not think it is not an overstatement to say that the American spirit is embodied in the way these brave men and women lived and died.

What makes a nation great?

Our nation is built upon the principle that all men and women are created equal and free. Our government institutions, our economic might and our preeminent military strength all make America an envied model. But they are more the result than the cause of greatness.

The true source of our greatness is a national spirit that imbues so many with the will to give what Abraham Lincoln called, "the last full measure of devotion." Defending a cause larger than one's self. Risking their lives so that others may be saved. That is what these men and women did, and I ask my colleagues to join me in honoring these fallen heroes.

This bill is in memory of those who have made the ultimate sacrifice. May we always remember those who died so that others may live. And may we honor these brave men and women for their last full measure of devotion.

Mr. GILMAN. Madam Speaker, I rise in strong support of H. Con. Res. 233, expressing Congress' profound sorrow for the death and injuries suffered by first responders in the aftermath of the September 11 Terrorist attacks.

As our Nation resolutely moves forward in the wake of the recent terrorist attacks, we remember the bravery and selfless sacrifices of all the men and women in uniform who rushed in to save their fellow citizens in the myriad emergency situations which arose from the September 11th barbaric, terrorist attacks on our Nation.

In my own district we lost over 35 firefighters and police officers in the September 11th attacks on New York, in addition to over 65 next of kin. These brave first responders paid the ultimate sacrifice in the valiant execution of their duties and their heroism will remain an enduring legacy to our Nation. We must never forget that thousands of innocent American citizens were saved by the actions of these first responders. We thank and honor them for their service to their country and to their fellow citizens. Accordingly I urge my colleagues to support this important measure.

Mr. SMITH of Michigan. Madam Speaker, with this resolution we honor those who on September 11 paid the ultimate sacrifice—the firefighters, emergency medical personnel, and police who are the first to arrive at the scene of an emergency, and the last to leave.

According to the International Association of Fire Fighters, more public safety officers were lost in the attack on the United States yesterday than any other single event in modern history.

As the Nation mourns the deaths of thousands of our fellow citizens, as we take stock of the destruction caused by last week's terrorist attacks, we should also pause for a moment to reflect on the brave men and women in New York City who put their lives on the line to protect fellow citizens.

In every small town and suburb and big city across America, there are people just like the over 300 first responders who gave their lives in New York. In Michigan, we too have experienced the loss of emergency personnel. Last year alone, four Michigan firefighters lost their lives. Each of these deaths is a tragedy for family, friends, and community.

What happened at the World Trade Center in New York will live in our memories forever. We can be proud that at a time of great peril, the Nation's first responders answered the call, conducting themselves with a selflessness and dedication that does credit to themselves, their city, and their country.

Many thousands of people would not be alive today if it were not for the heroic efforts of these men and women. In one of the country's darkest hours, they kept faith with their colleagues, with those in need, and with their country.

Our Nation's founders were deeply committed to the idea that the individual had an obligation to serve the community. The Nation's first responders live this ideal every day. They lived it again on September 11, and because they did, they gave their lives.

While we have cause to mourn these deaths, we should also celebrate the values their lives exhibited, values that represent the very best of America.

We have suffered a grievous loss. But the wonderful thing about America is that we will bounce back. For every firefighter who fell on September 11, someone else will take his place. For every emergency responder who paid with his life, another will emerge. For every police and port authority officer who fell in the line of duty, another citizen will answer the call. That is the American way.

On September 11, the Nation's firefighters showed the world what courage means. If we expect the fire services—many of whom depend on volunteers—to deal with terrorist attacks, we have a responsibility to provide them with the help they need so that they can continue to protect lives and property.

Madam Speaker, as a member of the conference on the defense authorization bill, I will be pushing for a large increase in the authorized funding for the Assistance to Firefighters Grants Program to \$1 billion for each fiscal year 2002, 2003, and 2004.

Our thoughts and our prayers are with the families of the fallen heroes to whom we owe so much. God bless those who have died, God bless their families, and God bless America.

Mr. WALSH. Madam Speaker, I also rise in support of this resolution sponsored by Congressmen ENGEL and WATTS, that expresses our profound sorrow for the senseless loss of life and injuries suffered by our heroic first responders as a result of the World Trade Center, Pentagon, and Pennsylvania tragedies on Tuesday, September 11, 2001. My prayers, thoughts and deepest sympathies are with their families and loved ones at this definitive moment in American history.

Tocqueville once said of Americans, "They show with complacency how an enlightened

regard for themselves constantly prompts them to assist one another and inclines their willingness to sacrifice a portion of their time and property to the welfare of the state." These words describe the 300 firefighters and 70 police officers that have died in this senseless tragedy. Their names are forever inscribed on the portals of fame. America now truly understands how much we as a nation owe these heroic people, both those who have made the ultimate sacrifice, and those who continue to serve with honor day in and day out. God help us always to have these men and women who believe in what they are doing and who will fight to the very end for what they believe.

This resolution also speaks to the unity of public safety officers. There is an old saying in the fire service that goes, "Firemen are a brotherhood. They do not care what department a man belongs, if he is a fireman enrolled for the same purpose, fighting under the same banner, they are ready to extend the hand of fellowship." This is true literally and figuratively. Literally, there are many families who serve together as firefighters and police officers or both in New York City. Currently, they are working to help recover their figurative brothers and sisters. This figurative bond was also evident with the outpouring of help that came into the New York City, and Virginia from around the country and the world. So much help, that some of it had to be turned away. The literal and figurative unity is stronger than ever as a result of the attacks on our country.

When I visited the Pentagon and "Ground Zero" with President Bush in New York, I saw first hand the destruction and the tireless rescue efforts underway. I thought to myself, "why do these people, the firefighters and police officers, do what they do?" I soon recalled a book I had read in the 1970's by Dennis Smith, a retired New York City fireman and founder of Firehouse Magazine who also assisted in the rescue efforts. In his classic book "Report from Engine Co. 82", an account of his life on a South Bronx fireman, Smith said after recovering a victim who had perished in a fire, "I don't say anything further, nor does Billy, as I look up to his eyes. They are almost fully closed, but I can see they are wet and teary. The corneas are red from heat and smoke, and light reflects from the watered surface, and they sparkle. I wish my wife, my mother, and everyone who has ever asked me why I do what I do, could see the humanity, the sympathy, the sadness of these eyes, because this is the reason I continue to be a firefighter." America saw this same scene played out time and time again on September 11th and the following days. As a result, we as a nation can start to understand why they continuously sacrifice their lives and pay them a long overdue thank you.

We thank them, we praise them, and we will never forget them. God bless these heroes, their families and God bless America.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 233.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of

those present have voted in the affirmative.

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. LATOURETTE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 233.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 4 o'clock and 46 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GILCHREST) at 6 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

House Concurrent Resolution 243, by the yeas and nays;

H.R. 2559, by the yeas and nays;

H.R. 2910, by the yeas and nays;

House Concurrent Resolution 233, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

PRESENTATION OF PUBLIC SAFETY OFFICER MEDAL OF VALOR IN RESPONSE TO TERRORIST ATTACKS OF SEPTEMBER 11, 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 243.

The Clerk read the title of the concurrent resolution.

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

SENSENBRENNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 243, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 23, as follows:

[Roll No. 408]

YEAS—409

Abercrombie DeLauro Istook
 Ackerman DeMint Jackson (IL)
 Aderholt Deutsch Jackson-Lee
 Akin Diaz-Balart (TX)
 Allen Dicks Jefferson
 Andrews Dingell Jenkins
 Army Doggett John
 Baca Doolittle Johnson (CT)
 Bachus Doyle Johnson (IL)
 Baird Dreier Johnson, E. B.
 Baker Duncan Johnson, Sam
 Baldacci Edwards Jones (NC)
 Baldwin Ehlers Jones (OH)
 Ballenger Ehrlich Kanjorski
 Barcia Emerson Kaptur
 Barr Engel Kelly
 Barrett English Kennedy (MN)
 Bartlett Eshoo Kennedy (RI)
 Barton Etheridge Kerns
 Bass Evans Kildee
 Becerra Everett Kilpatrick
 Bentsen Farr Kind (WI)
 Bereuter Fattah King (NY)
 Berkley Ferguson Kingston
 Berman Filner Kirk
 Berry Flake Kleczka
 Biggert Fletcher Knollenberg
 Billirakis Foley Kolbe
 Bishop Forbes Kucinich
 Blagojevich Ford LaFalce
 Blumenuer Fossella LaHood
 Blunt Frank Lampson
 Boehlert Frelinghuysen Langevin
 Boehner Frost Lantos
 Bonilla Gallegly Largent
 Bonior Ganske Larsen (WA)
 Bono Gekas Larson (CT)
 Borski Gephardt Latham
 Boswell Gibbons LaTourette
 Boyd Gilchrest Leach
 Brady (PA) Gillmor Lee
 Brown (FL) Gilman Levin
 Brown (OH) Gonzalez Lewis (CA)
 Brown (SC) Goode Lewis (GA)
 Bryant Goodlatte Lewis (KY)
 Burr Gordon Linder
 Burton Goss Lipinski
 Buyer Graham LoBiondo
 Callahan Graves Lofgren
 Calvert Green (TX) Lowey
 Camp Green (WI) Lucas (KY)
 Cannon Crucci Lucas (OK)
 Cantor Gutierrez Luther
 Capito Gutknecht Lynch
 Capps Hall (OH) Maloney (CT)
 Capuano Hall (TX) Maloney (NY)
 Cardin Hansen Manzullo
 Carson (IN) Harman Markey
 Castle Hart Mascara
 Chabot Hastings (FL) Matheson
 Chambliss Hastings (WA) Matsui
 Clay Hayes McCarthy (MO)
 Clayton Hayworth McCarthy (NY)
 Clement Hefley McCollum
 Clyburn Herger McDermott
 Coble Hill McGovern
 Collins Hilleary McInnis
 Combest Hilliard McIntyre
 Condit Hinchey McKeon
 Costello Hinojosa McKinney
 Cox Hobson McNulty
 Coyne Hoeffel Meehan
 Cramer Hoekstra Meek (FL)
 Crane Holden Meeks (NY)
 Crenshaw Holt Mica
 Crowley Honda Millender-
 Culberson Horn McDonald
 Cummings Hostettler Miller, Dan
 Cunningham Houghton Miller, Gary
 Davis (CA) Hoyer Miller, George
 Davis (FL) Hulshof Miller, Jeff
 Davis (IL) Hunter Mink
 Davis, Jo Ann Hyde Mollohan
 Davis, Tom Inslee Moore
 Deal Isakson Moran (KS)
 DeFazio Israel Moran (VA)
 Delahunt Issa Morella

Myrick Rohrabacher Sununu
 Nadler Ros-Lehtinen Sweeney
 Napolitano Ross Tancredo
 Neal Rothman Tanner
 Nethercutt Roukema Tauscher
 Ney Roybal-Allard Tauzin
 Norwood Royce Taylor (MS)
 Nussle Rush Taylor (NC)
 Oberstar Ryan (WI) Terry
 Obey Ryun (KS) Thomas
 Oliver Sabo Thompson (CA)
 Ortiz Sanchez Thornberry
 Osborne Sanders Thune
 Ose Sandlin Thurman
 Otter Sawyer Tiahrt
 Owens Saxton Tiberi
 Oxley Schaffer Tierney
 Pallone Schakowsky Toomey
 Pascrell Schiff Towns
 Pastor Schrock Traficant
 Paul Scott Turner
 Payne Sensenbrenner Udall (CO)
 Pelosi Serrano Udall (NM)
 Pence Sessions Upton
 Peterson (MN) Shadegg Velazquez
 Peterson (PA) Shaw Visclosky
 Petri Shays Vitter
 Phelps Sherman Walden
 Pickering Sherwood Walsh
 Pitts Shimkus Wamp
 Platts Shuster Waters
 Pombo Simmons Watkins (OK)
 Pomeroy Simpson Watson (CA)
 Portman Skeen Watt (NC)
 Price (NC) Skelton Watts (OK)
 Pryce (OH) Slaughter Waxman
 Putnam Smith (MI) Weiner
 Kirk Quinn Smith (NJ) Weldon (FL)
 Radanovich Smith (TX) Weldon (PA)
 Rahall Smith (WA) Weller
 Ramstad Snyder Wexler
 Rangel Solis Whitfield
 Regula Souder Wicker
 Rehberg Spratt Wilson
 Reyes Stark Wolf
 Reynolds Stearns Woolsey
 Rivers Stenholm Wu
 Rodriguez Strickland Wynn
 Roemer Stump Young (AK)
 Rogers (MI) Stupak Young (FL)

NOT VOTING—23

Boucher Dooley Menendez
 Brady (TX) Dunn Murtha
 Carson (OK) Granger Northup
 Conyers Greenwood Riley
 Cooksey Hooley Rogers (KY)
 Cubin Keller Shows
 DeGette McCreary Thompson (MS)
 DeLay McHugh

□ 1824

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. NORTHUP. Mr. Speaker, on rollcall No. 408 I was inadvertently detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILCHREST). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

FEDERAL LONG-TERM CARE INSURANCE AMENDMENTS ACT

The SPEAKER pro tempore. The pending business is the question of sus-

pending the rules and passing the bill, H.R. 2559.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. Jo ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 2559, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 1, not voting 25, as follows:

[Roll No. 409]

YEAS—406

Abercrombie Davis (FL) Holden
 Ackerman Davis (IL) Holt
 Aderholt Davis, Jo Ann Honda
 Akin Davis, Tom Horn
 Allen Deal Hostettler
 Andrews DeFazio Houghton
 Army Delahunt Hoyer
 Baca DeLauro Hulshof
 Bachus DeMint Hunter
 Baird Deutsch Hyde
 Baker Diaz-Balart Inslee
 Baldacci Dicks Isakson
 Baldwin Dingell Israel
 Ballenger Doggett Issa
 Barcia Doolittle Istook
 Barr Doyle Jackson (IL)
 Barrett Dreier Jackson-Lee
 Bartlett Duncan (TX)
 Barton Edwards Jefferson
 Bass Ehlers Jenkins
 Becerra Ehrlich John
 Bentsen Emerson Johnson (CT)
 Bereuter Engel Johnson (IL)
 Berkley English Johnson, E. B.
 Berman Eshoo Johnson, Sam
 Berry Etheridge Jones (NC)
 Biggert Evans Jones (OH)
 Billirakis Everett Kanjorski
 Bishop Farr Kaptur
 Blagojevich Fattah Kelly
 Blumenuer Ferguson Kennedy (MN)
 Blunt Filner Kennedy (RI)
 Boehlert Flake Kerns
 Boehner Fletcher Kildee
 Bonilla Foley Kilpatrick
 Bonior Forbes Kind (WI)
 Bono Ford King (NY)
 Borski Fossella Kingston
 Boswell Frank Kirk
 Boyd Frost Kleczka
 Brady (PA) Gallegly Knollenberg
 Brown (FL) Ganske Kolbe
 Brown (OH) Gekas Kucinich
 Brown (SC) Gephardt LaFalce
 Bryant Gibbons LaHood
 Burr Gilchrest Lampson
 Burton Gillmor Langevin
 Buyer Gilman Lantos
 Callahan Gonzalez Largent
 Calvert Goode Larsen (WA)
 Camp Goodlatte Larson (CT)
 Cannon Gordon Latham
 Capito Goss LaTourette
 Capps Graham Leach
 Capuano Graves Lee
 Cardin Green (TX) Levin
 Carson (IN) Green (WI) Lewis (CA)
 Castle Grucci Lewis (GA)
 Chabot Gutierrez Lewis (KY)
 Chambliss Gutknecht Linder
 Clay Hall (OH) Lipinski
 Clayton Hall (TX) LoBiondo
 Clement Hansen Lofgren
 Clyburn Harman Lowey
 Coble Hart Lucas (KY)
 Collins Hastings (FL) Lucas (OK)
 Combest Hastings (WA) Luther
 Condit Hayes Lynch
 Costello Hayworth Maloney (CT)
 Cox Hefley Maloney (NY)
 Coyne Herger Manzullo
 Cramer Hill Markey
 Crane Hilleary Mascara
 Crenshaw Hilliard Matheson
 Crowley Hinchey Matsui
 Culberson Hinojosa McCarthy (MO)
 Cummings Hobson McCarthy (NY)
 Cunningham Hoeffel McCollum
 Davis (CA) Hoekstra McDermott

McGovern
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-
McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Oliver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)

Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder

Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul
NORTH VOTING—25

Boucher
Brady (TX)
Cantor
Carson (OK)
Conyers
Cooksey
Cubin
DeGette
DeLay
Dooley
Dunn
Frelinghuysen
Granger
Greenwood
Hookey
Keller
McCrery
McHugh
Menendez
Murtha
Riley
Rogers (KY)
Sandlin
Shows
Thompson (MS)

□ 1835

So (two-thirds present having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CANTOR. Mr. Speaker, on rollcall No. 409 I was unavoidably detained. Had I been present, I would have voted "yea."

NORMAN SISISKY POST OFFICE BUILDING

The SPEAKER pro tempore (Mr. GILCREST). The pending business is the question of suspending the rules and passing the bill, H.R. 2910.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 2910, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 27, as follows:

[Roll No. 410]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armedy
Baca
Bachus
Baird
Baker
Balducci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doollittle
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Graves
Linder
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchev
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleccka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-
McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Oliver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Oliver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NORTH VOTING—27

Boucher
Brady (TX)
Carson (OK)
Conyers
Cooksey
Cubin
DeGette
DeLay
Dooley
Dunn
Edwards
Evans
Granger
Greenwood
Hunter
Keller
McCrery
McHugh
Menendez
Murtha
Northup
Quinn
Riley
Rogers (KY)
Shows
Thompson (MS)
Young (AK)

□ 1843

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NORTHUP. Mr. Speaker, on rollcall No. 410 I was inadvertently detained. Had I been present, I would have voted "yea."

TRIBUTE TO THE HONORABLE JERRY SOLOMON, FORMER REPRESENTATIVE FROM NEW YORK

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. SWEENEY. Mr. Speaker, as the Member who succeeded Congressman

Jerry Solomon to this body 3 years ago, I am sad to report his untimely passing.

Jerry Solomon served in this body with distinction for 20 years, since 1978. We are all familiar with the phrase "My country, right or wrong." With Jerry, it was more basic than that; it was "My country is right."

Congressman Solomon has many friends in this House, and I count myself among them. I doubt there is one among us who did not respect him. He was an American's American, a Marine's Marine, a veteran's veteran.

Devoted to his wife, Freda, his five children, and his six grandchildren, Jerry Solomon became a great statesman but always remained a loving husband, father, and grandfather.

He was a man who "called 'em as he saw 'em." Over his career, he led the way on veterans' issues, culminating in the establishment of a cabinet post for veterans affairs.

He led the way in fighting to secure an amendment to our Constitution to protect our flag.

He brought a National Cemetery to Saratoga, New York, where he himself will be laid to rest tomorrow.

In the final years in this House, Jerry Solomon served as chairman of the Committee on Rules. That achievement speaks volumes about the man, the leader, and the legislator.

What I learned about Congressman Solomon many among us know: If he cared enough to tell someone something, they had better listen.

Mr. Speaker, Congressman Jerry Solomon has left us, but neither he nor his achievements will ever be forgotten.

EXPRESSING PROFOUND SORROW OF THE CONGRESS FOR DEATH AND INJURIES SUFFERED BY FIRST RESPONDERS IN AFTERMATH OF TERRORIST ATTACKS ON SEPTEMBER 11, 2001

The SPEAKER pro tempore (Mr. GILCREST). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 233.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree the concurrent resolution, H. Con. Res. 233, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 27, as follows:

[Roll No. 411]

YEAS—405

Abercrombie	Baca	Barcia
Ackerman	Bachus	Barr
Aderholt	Baird	Barrett
Akin	Baker	Bartlett
Allen	Baldacci	Barton
Andrews	Baldwin	Bass
Army	Ballenger	Becerra

Bentsen	Gallegly	Lipinski
Bereuter	Gekas	LoBiondo
Berkley	Gephardt	Lofgren
Berman	Gibbons	Lucas (KY)
Biggert	Gilchrest	Lucas (OK)
Bilirakis	Gillmor	Luther
Bishop	Gilman	Lynch
Blagojevich	Gonzalez	Maloney (CT)
Blumenauer	Goode	Maloney (NY)
Blunt	Goodlatte	Manzullo
Boehert	Gordon	Markey
Boehner	Goss	Mascara
Bonilla	Graham	Matheson
Bonior	Graves	Matsui
Bono	Green (TX)	McCarthy (MO)
Borski	Green (WI)	McCarthy (NY)
Boswell	Grucci	McCullum
Boyd	Gutierrez	McDermott
Brady (PA)	Gutknecht	McGovern
Brown (FL)	Hall (OH)	McInnis
Brown (OH)	Hall (TX)	McIntyre
Brown (SC)	Hansen	McKeon
Bryant	Harman	McKinney
Burr	Hart	McNulty
Burton	Hastings (FL)	Meehan
Buyer	Hastings (WA)	Meek (FL)
Callahan	Hayes	Mica
Calvert	Hayworth	Millender-
Camp	Hefley	McDonald
Cannon	Heger	Miller, Dan
Cantor	Hill	Miller, Gary
Capito	Hilleary	Miller, George
Capps	Hilliard	Miller, Jeff
Capuano	Hinchey	Mink
Cardin	Hinojosa	Mollohan
Carson (IN)	Hobson	Moore
Castle	Hoefel	Moran (KS)
Chabot	Hoekstra	Moran (VA)
Chambliss	Holden	Morella
Clay	Holt	Myrick
Clayton	Honda	Nadler
Clement	Hooley	Napolitano
Clyburn	Horn	Neal
Coble	Hostettler	Nethercutt
Collins	Houghton	Ney
Combest	Hoyer	Northup
Condit	Hulshof	Norwood
Costello	Hunter	Nussle
Coyne	Hyde	Oberstar
Cramer	Inslee	Obey
Crane	Isakson	Olver
Crenshaw	Israel	Ortiz
Crowley	Issa	Osborne
Culberson	Istook	Ose
Cummings	Jackson (IL)	Otter
Cunningham	Jackson-Lee	Owens
Davis (CA)	(TX)	Oxley
Davis (FL)	Jefferson	Pallone
Davis (IL)	Jenkins	Pascarell
Davis, Jo Ann	John	Pastor
Davis, Tom	Johnson (CT)	Paul
Deal	Johnson (IL)	Payne
DeFazio	Johnson, E. B.	Pelosi
Delahunt	Johnson, Sam	Pence
DeLauro	Jones (NC)	Peterson (MN)
DeMint	Jones (OH)	Peterson (PA)
Deutsch	Kanjorski	Petri
Diaz-Balart	Kaptur	Phelps
Dicks	Kelly	Pickering
Dingell	Kennedy (MN)	Pitts
Doggett	Kennedy (RI)	Platts
Doolittle	Kerns	Pombo
Doyle	Kildee	Pomeroy
Dreier	Kilpatrick	Portman
Duncan	Kind (WI)	Price (NC)
Edwards	King (NY)	Pryce (OH)
Ehlers	Kingston	Putnam
Ehrlich	Kirk	Quinn
Emerson	Kleczka	Radanovich
Engel	Knollenberg	Rahall
English	Kolbe	Ramstad
Eshoo	Kucinich	Rangel
Etheridge	LaFalce	Regula
Evans	LaHood	Rehberg
Farr	Lampson	Reyes
Farr	Langevin	Reynolds
Fattah	Lantos	Rivers
Ferguson	Largent	Rodriguez
Filner	Larsen (WA)	Roemer
Flake	Larson (CT)	Rogers (MI)
Fletcher	Latham	Rohrabacher
Foley	LaTourette	Ros-Lehtinen
Forbes	Leach	Ross
Ford	Lee	Rothman
Fossella	Levin	Roukema
Frank	Lewis (CA)	Roybal-Allard
Frelinghuysen	Lewis (GA)	Royce
Frost	Lewis (KY)	Rush
	Linder	Ryan (WI)

Ryun (KS)	Smith (WA)	Traficant
Sabo	Snyder	Turner
Sanchez	Solis	Udall (CO)
Sanders	Souder	Udall (NM)
Sandlin	Spratt	Upton
Sawyer	Stark	Velazquez
Saxton	Stearns	Vislosky
Schaffer	Stenholm	Vitter
Schakowsky	Strickland	Walden
Schiff	Stump	Walsh
Schrock	Stupak	Wamp
Scott	Sununu	Waters
Sensenbrenner	Sweeney	Watkins (OK)
Serrano	Tancredo	Watson (CA)
Sessions	Tanner	Watt (NC)
Shadegg	Tauscher	Waxman
Shaw	Tauzin	Weiner
Shays	Taylor (MS)	Weldon (FL)
Sherman	Taylor (PA)	Weldon (PA)
Sherwood	Terry	Weller
Shimkus	Thomas	Wexler
Shuster	Thompson (CA)	Whitfield
Simmons	Thornberry	Wicker
Simpson	Thune	Wilson
Skeen	Thurman	Wolf
Skelton	Tiahrt	Woolsey
Slaughter	Tiberti	Wu
Smith (MI)	Tierney	Wynn
Smith (NJ)	Toomey	Young (AK)
Smith (TX)	Towns	

NOT VOTING—27

Boucher	Dooley	Meeks (NY)
Brady (TX)	Dunn	Menendez
Carson (OK)	Ganske	Murtha
Conyers	Granger	Riley
Cooksey	Greenwood	Rogers (KY)
Cox	Keller	Shows
Cubin	Lowey	Thompson (MS)
DeGette	McCrery	Watts (OK)
DeLay	McHugh	Young (FL)

□ 1854

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. DUNN, Mr. Speaker, on Tuesday, October 30, 2001, I was not present for rollcall votes 408 through 411 due to a family emergency. Had I been present, I would have voted "yea" on rollcall No. 408, "yea" on rollcall No. 409, "yea" on rollcall No. 410, and "yea" on rollcall No. 411.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE THREAT OF AIDS STILL WREAKS HAVOC DOMESTICALLY AND INTERNATIONALLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms.

MILLENDER-McDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, the world we live in is becoming more complex each and every day. The tragic and heinous events of September 11 transformed the way Americans and people in this world respond to news.

In the aftermath of recent events, our country and the world is experiencing a state of high anxiety directly related to threats of bioterrorism, and most recently, anthrax contamination. House offices were closed, and some remain closed, while anthrax contamination is eliminated. Postal offices have been shut down for periods of time, and postal workers have succumbed to anthrax inhalation and died from their exposure to this very deadly chemical agent.

Indeed, a war is being waged on numerous fronts to preserve freedom and the health of our Nation and its world partners. However, Mr. Speaker, there is another deadly vital threat that has been wreaking havoc domestically and internationally. That threat is the scourge of HIV/AIDS.

□ 1900

While our Nation and its global neighbors have undertaken a campaign to stave off the threats of terrorism poised by ideological fanatics, millions have died and millions are suffering from HIV/AIDS. Their plight is there. Yet global concerns revolve around potential terrorism. Perhaps that is because the specter of 6,000 lives lost to terrorist acts still looms large. However, the reality is that HIV/AIDS has claimed the lives of over 25 million people including an estimated 4 million children, most of whom live in Sub-Saharan Africa.

The global AIDS crisis in Africa is without question the most vexing humanitarian crisis in recent history. The statistics are shocking and alarming. Eight thousand people died from AIDS every day last year and six people died every minute. Fifty-eight million people have been infected since the virus was first recognized 20 years ago. Recent projections are that the total will exceed 100 million by 2007. These numbers are mind-boggling. As a mother and grandmother, I am struck by the fact that AIDS has orphaned over 10 million children in Africa. By 2010 there would be more than 40 million AIDS orphans. Therefore, proactive measures must be initiated.

I and many of my colleagues in a bipartisan way responded to the challenge put before us. On September 5, I introduced the Peace Corps HIV/AIDS Training Enhancement Act of 2001. This legislation provides an additional \$5 million to the Peace Corps to pay for health volunteers working with HIV/AIDS treatment and prevention efforts, particularly the training of HIV/AIDS trainers. Currently, there are 7,300 Peace Corps volunteers who work in 76 countries worldwide including 25 coun-

tries in Africa; 1,431 of these Peace Corps members are health volunteers who serve in Africa.

The volunteers work in rural and urban settings in a variety of health activities, including teaching HIV/AIDS education and prevention methodologies to local people. The Peace Corps would like to increase its capacity in HIV/AIDS education and prevention activities, especially in the area of training HIV/AIDS trainers; but it cannot do so without this additional appropriation.

I believe that Peace Corps volunteers work and perform God's work. They are the vanguards of humanitarian efforts in the struggle to eradicate HIV/AIDS. The volunteers' efforts target training literate peer educators and community health workers who will be training others in the community. Their work is commendable and critical. Much of their work is targeted in Sub-Saharan Africa where 25 percent of the population may be infected. They have to garner the trust of the people in the community and then work to establish the building blocks necessary to transform the attitudes and behavior of at-risk populations, especially children and women.

Their messages are directed at people living with HIV as well as those who are not currently infected. Children are the focus because they are impressionable and vulnerable. Young African American girls must be educated because they are more likely to contract HIV and AIDS than young boys of the same age, and that goes for African kids too.

Peace Corps volunteers are the front line because reality is that new drugs are expensive and not usually available throughout Africa. Additionally, the infrastructure does not exist for monitoring the immune system of victims overcome by the disease who are undertreated. That is why we must use the human factor, Peace Corps volunteers, to stem the pandemic of HIV/AIDS.

The Peace Corps HIV/AIDS Training Enhancement Act of 2001 can be a useful tool in transforming the plight of many throughout the world. We are all members of a global village that is interdependent. Consequently, global threats in different forms such as terrorism, bioterrorism and the global pandemic of HIV/AIDS must be fought on many fronts simultaneously. We must be vigilant on all fronts.

CARING FOR THE ORPHANS OF THE TERRORIST ATTACKS

The SPEAKER pro tempore (Mr. PLATTS). Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, on September 11 Americans witnessed carnage and harrowing images that will be imprinted forever in our memory. These acts of terror helped Americans grow stronger. But as we pull to-

gether to rebuild our Nation and work toward a heightened sense of security to restore our lives, we must not forget the thousands of children who lost a parent or a guardian in the September 11 attacks. All the money and all the services in the world could never replace the loss of their loved ones, but although money cannot heal their scars, the passage of House Con. Resolution 228 can help begin to bandage their deep wounds.

I am a proud original co-sponsor of H. Con. Res. 228, a resolution which calls for the immediate benefits for children who lost one or both parents or guardians in the multiple tragedies. This legislation, which is being spearheaded by my friend, the gentlewoman from Texas (Ms. JACKSON-LEE), will ensure the children of September 11 attacks will receive foster care, medical assistance and psychological services, all of which they so desperately need.

As co-chair of the Congressional Children's Caucus, the gentlewoman from Texas (Ms. JACKSON-LEE) and I recently held a briefing to discuss the need to prioritize Federal services and benefits for these children. Ron Houle of the American Red Cross, Dr. Bernard Arons from the Substance Abuse and Mental Health Services Administration, and Cindy Friedmutter of the Evan B. Donaldson Adoption Institute in New York were among the many speakers who informed us on their ability to deliver services to these children.

But most touching of all was the testimony of Merino Calderon and two of his children, Naomi, 4 years old and Nephtali, who is 20 months old. Their children were with us that day. And Merino, a school bus driver lost his beloved wife. His two children lost obviously their mother at the World Trade Center. Merino shared with us the difficulty of having to answer to his children every day the questions that they pose to him: "When is mommy coming back? When is she taking us to the park again?"

He is emotionally exhausted and his financial situation is increasingly difficult. But, Mr. Speaker, Merino Calderon is one of the fortunate ones because his daughter is receiving counseling, as he is as well. But his loving church and his loving church family have many other church-goers who have not had the ability to get this assistance. Many surviving family members and particularly children of the September 11 attack have yet to receive the benefits they need.

Children who lost a parent or a guardian in this national tragedy need psychological and other services right now. So I ask my colleagues to co-sponsor and work towards passage of H. Con. Res. 228 because, although we will remember September 11, it is for the children for whom we will pass this bill because we will not forget them and we will not forget the sacrifices that their parents have made for our country.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FOOD AID FOR AFGHANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

Ms. MCKINNEY. Mr. Speaker, I know the American people want to help the suffering people of Afghanistan. And I am sorry to say that we already stand condemned by *Medecins Sans Frontieres* for conducting nothing more than a propaganda campaign regarding our food drops.

Our brave young men and women are risking their lives to deliver this food, and how will we be judged, however, by this latest blunder?

I ask my colleagues to take a look at this object and this object. To more than just a casual observer, they might even get mistaken for the same thing. And that is what has got the U.S. military quaking in their boots. Can one imagine the horror if this object, a cluster bomb, gets mistaken for this object, a food packet? One is life and the other one is death. The squarish one is the food. The roundish one is a cluster bomb. That is what the poor starving people of Afghanistan must now contend with.

The U.S. military is dropping little notes to inform people not to pick up this one, the cluster bomb, thinking it is food because if they pick up this one, which is the wrong one, they will get blown to smithereens.

Is it not bad enough that our military is dropping cluster bombs on Afghanistan anyway? Well, it is really bad because in the war in Kosovo, then-Major General Ryan refused to allow cluster bombs to be dropped because of the civilian deaths associated with cluster bombs, especially the children. But now our Air Force Chief of Staff Ryan refuses to issue such a directive, it appears, as the U.S. comes under fire from humanitarian organizations around the world for dropping cluster bombs on the people of Afghanistan.

I have written a letter to our President asking that we please refrain from using cluster bombs. But a funny thing about cluster bombs. They have little bomblets that look like things; and so when kids see them, they think they are a toy or something.

Now, Afghanistan already has 10 million landmines, and the unexploded

bomblets from the cluster bombs add to that number. So now if the food looks like this object, what will hungry children do? But if the food looks like this object and the bombs look like this object, what would any hungry person do? The military bets that they are going to try to find something to eat. And so the Pentagon is concerned that people who are hungry for food that looks like this object will confuse it with bomblets that look like this object. The Pentagon is now worried that hungry Afghan people will try to eat the bombs thinking that it is American food.

So the Pentagon has sent messages to the Afghan people. One message says, "As you may have heard, the Partnership of Nations is dropping yellow humanitarian daily rations. Although it is unlikely, it is possible that not every bomb will explode on impact. These bombs are a yellow color and are can-shaped."

Another Pentagon message is more to the point. It says, "Please, please exercise caution when approaching yellow unidentified objects in areas that have been recently bombed."

Mr. Speaker, not only do innocent Afghans have to worry about the Taliban, not only do they have to worry about landmines left over from the last war, not only do they have to worry about starving to death and the approaching winter, now they have to worry about bombs that look like food. I think I have heard it all now, Mr. Speaker.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

BIOTERRORIST ATTACKS AND ANTIBIOTICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, we in Congress cannot go home to our districts and say we have taken the steps necessary to prepare for future bioterrorist attacks unless and until we confront the issue of antibiotic resistance. The links between antibiotic resistance and bioterrorism are clear. Antibiotic resistant strains of anthrax and other microbes are among the most lethal of biological weapons, and they are a reality. There are published reports of an anthrax strain engineered by Russian scientists to resist the penicillin and tetracycline classes of antibiotics. We can only assume that anthrax and other lethal agents will be engineered to resist new antibiotics like Cipro.

Antibiotic resistance is significant in other important ways. Overuse and

misuse of antibiotics will render most microbes resistant to our current stockpile of drugs, potentially leaving the Nation poorly prepared in the event of biological attacks. To some extent this is a vicious cycle. Bioterrorist threats can lead to overuse of current antibiotics, which in turn render these antibiotics less effective against the lethal agents used in bioterrorism.

□ 1915

Look at Cipro, for example. Widespread use of Cipro, a broad-spectrum antibiotic, would kill bacteria that are susceptible to Cipro. The bacteria that are not killed will be those that evolve resistance to Cipro. Those Cipro resistant bacteria then flourish unchecked unless an even stronger antibiotic is available to kill them.

Many bacteria that cause severe human illness are already resistant to older antibiotics like penicillin. That is one reason the drug of choice is often one of the newer antibiotics like Cipro. If the U.S. and the rest of the world begin using Cipro indiscriminately, then Cipro, that antibiotic, will lose its effectiveness also.

To adequately prepare for a terrorist attack, State and local health departments must be equipped to rapidly identify and respond to antibiotic resistant strains of anthrax and other lethal agents. And to ensure the continued efficacy of our antibiotic stockpile, we must isolate emerging antibiotic resistant pathogens, track antibiotic overuse and misuse, and monitor the effectiveness of existing treatments over time.

Surveillance provides the data needed to prioritize the research and the development of new antibiotic treatments. Drug resistant pathogens are a growing threat to each of us as Americans. Examples of important microbes that are rapidly developing resistance to available antimicrobials include the bacteria that cause ear infections, that cause pneumonia, that cause meningitis, and skin and bone and lung and blood stream infections. Importantly, this list also includes food borne infections like salmonella.

The Nation's food supply has been identified as a potential vehicle for future bioterrorist attacks. Experts across the public health spectrum have testified to the seriousness of antibiotic resistance. Congress should respond appropriately and quickly to these warnings before the threat of what could become what is.

Under last year's Public Health Threats and Emergencies Act sponsored by my colleagues, the gentleman from North Carolina (Mr. BURR) and the gentleman from Michigan (Mr. STUPAK), Congress authorized a grant program that equips State and local health departments to identify and to track antibiotic resistance. My friend, the gentleman from New York (Mr. BOEHLERT), and I are requesting that the Committee on Appropriations include at least \$50 million for this grant

program in the Homeland Security supplemental appropriations bill, which this body will take up later this week.

I urge Members on both sides of the aisle to weigh in on this issue. Let the appropriators know that funding this is absolutely critical to our Nation. We must help State and local health authorities and State and local health agencies combat antibiotic resistance. Our ability to fight bioterrorism absolutely depends on it.

AIRLINE SECURITY

The SPEAKER pro tempore (Mr. PLATTS). Under the Speaker's announced policy of January 3, 2001, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes as the designee of the minority leader.

Mr. INSLEE. Mr. Speaker, some of us have come to the House floor tonight on the subject we have been speaking on for several weeks now, which is the importance of passing not just a sham airline security bill but a real solid, responsible, certain airline security bill that will accomplish what the American people need, which is to have full confidence that their airlines are safe.

Unfortunately, Mr. Speaker, the bill that is going to be introduced tomorrow or the next day falls short in several very, very important respects. We have had a long history in the last several decades of having failures in airline security which manifested themselves on September 11. We think the U.S. House cannot miss this opportunity tomorrow or Thursday to in fact plug not just some, and not just the easy holes to plug in airline security, but the ones that are meaningful, and to, in fact, plug all the holes in the net we have in order to catch terrorist activity. And we want to talk about some of those tonight.

Let me start with one that in my view is the most glaring hole in our airline security system today, and that is the stunning fact that I learned about 3 weeks ago. When I heard this I just about fell out of my chair. I was receiving a security briefing at a major airport in the western United States and we were talking about all the recent efforts and changes to try to make sure passengers do not bring sharp objects into the passenger compartment of the airplanes. I started asking questions about the checked baggage that goes into the belly of an airplane, and I asked where the equipment was to screen the baggage that goes into the belly of an airplane to make sure nobody put a bomb on it. The people I was talking to had this kind of sheepish look on their faces and they said, well, we do not do that all the time. I thought they were sort of joking. But it turns out they were not.

What I came to find out is that in airports across this country 90 to 95 percent of all the bags that go into the belly of an airplane have zero screening for explosive devices, and I mean zero screening. So nine out of 10 bags that

go in the belly of an airplane that we are flying on with our loved ones are not screened for any explosive devices. That is a sad, pathetic state of affairs that this House needs to change this week with no ifs, ands or buts.

Now, the problem, Mr. Speaker, is that although we have technology to do this, and the good news is we have technology that screens for explosive devices very thoroughly, the fact of the matter is that the bill that the majority party is proposing for this week does not have a certain requirement in it that these bags be checked by a certain date. That is sad, and that needs to change.

We believe that the U.S. House needs to pass a law that requires 100 percent of all the bags that go into the belly of an airplane be screened for an explosive device with the best technology that we have. And we have some darned good technology. We have machines today that have been in use for several years, if the airline companies will turn them on anyway, that can find explosives with a high degree of probability. We need to make sure more of those machines are purchased. We need to require those to be turned on and put them in series so we can get in our airplanes in a timely fashion without bombs being in the baggage compartments.

Tomorrow, Mr. Speaker, we will be offering amendments, the gentleman from Ohio (Mr. STRICKLAND), myself, and the gentleman from Connecticut (Mr. SHAYS), a Republican, who has been working on legislation to require that 100 percent of these bags be screened. We are very hopeful that the majority party will allow our amendment to be considered on the floor of the House. It would be a shame if politics keeps this amendment from being considered. We are very hopeful that we can have a solid bipartisan vote in this Chamber to make sure all these bags get checked.

With that, Mr. Speaker, I yield to the gentleman from Ohio (Mr. STRICKLAND), who has been a great leader in advancing this issue.

Mr. STRICKLAND. I thank the gentleman from Washington State for yielding to me.

I think it is important for people to understand why we have not been able to bring a bill to the floor thus far, and why it may be that our amendment to require that all bags be checked will not even get a vote on this floor. I think the American people sometimes do not fully understand that there are certain rules and procedures that govern what happens in this House, and those rules and procedures are dominated by the majority party. And especially in terms of the amendment that we are trying to get brought to this floor, that is determined really by the Committee on Rules.

We were just upstairs not more than 10 minutes ago asking the Committee on Rules if we could bring our amendment to the floor so that here in this

Chamber, comprised of all the representatives of the people, 435 of us from across this great United States, that at least we would have an opportunity to cast a vote and to make a decision regarding this vital public safety matter.

It is, I think, true that most Americans, in the past at least, when they have gone and purchased a ticket for air travel and placed themselves and perhaps their families, their children even on an airplane were assuming that all the luggage that went into the belly of that plane had been properly screened for explosives. We now know that that just simply does not happen.

We found out many years ago, about 13 years ago, when the plane exploded over Lockerbie, Scotland, that a simple explosive device, perhaps placed in a suitcase, if it is loaded into the belly of an airplane, can literally destroy that airplane. So many lives were lost there. And the gentleman and I had an opportunity just 2 or 3 weeks ago to meet with two fathers who lost sons in that Lockerbie explosion. So this is something that is a matter of life and death.

As I just said to the Committee on Rules, what we decide on this issue may determine whether or not at some point in the future Americans will lose their lives. The American traveling public has a right to travel in conditions that are as safe as we can make them. And if we pass an airline security bill this week that omits this vital loophole, then the American public will not be as safe as they have a right to be.

I would like to share just a few words from an editorial that appeared in the Columbus Dispatch, the major newspaper in Columbus, Ohio, which is the capital of the great State of Ohio, and this editorial pointed out the fact that the Department of Transportation's Inspector General recently reported that at 7 of the Nation's 20 highest risk airports there was no scanning of checked baggage.

The editorial goes ahead to point out that some time ago \$441 million were used to buy 164 of these high-tech bomb detection machines that were to be used in 50 of the most busy airports in our country. The editorial then points out that after this huge expenditure of millions and millions of dollars, and the actual purchasing of these machines, that they were not used. They were just left in warehouses gathering dust.

So what our amendment does, it has a specific time line that will require that this be done. And unless there is a legislative requirement that it be done in a reasonable period of time, a date certain, I fear that it will never happen, and that at some point in the future we will lose an airplane needlessly because we have failed to take this action.

□ 1930

Mr. INSLEE. Mr. Speaker, I think that it is a necessity of the U.S. House

of Representatives to have a date certain to do this by. It is made obvious by a couple of facts. The gentleman made reference to the Lockerbie bombing where there were hundreds of young people who were on that plane, and their families have now been working for 13 years to get the Federal Aviation Administration to move to require screening of checked baggage. Despite 13 years of advocacy with this agency, this agency has done nothing except give wish lists which they may do some day. Some day is just not good enough.

It would be a sad failure if this House passed something without some timeline when we have this kind of experience of agency failure over this long period of time.

Another example, the majority party's bill has language, and it is good rhetoric that rhetorically says these bags will be screened, I guess someday, we do not know when. But look what happened when we did similar language in 1995 when this House essentially directed the FAA to adopt regulations that would improve the screening and certification of the people who do the passenger screening. Six years later, the FAA had still not improved the certification and training of the folks who are supposed to keep weapons off airplanes.

If the FAA takes 6 years to try to figure out a regulation to try to figure how to keep people from bringing knives or box cutters on airplanes, do we think that this language in this bill is going to get them to get these machines in airports? We do not think so. I do not have confidence in that. The American people will not have confidence in that.

I yield to the gentleman.

Mr. STRICKLAND. Mr. Speaker, there are those who say we cannot do that in a timely manner. But the fact is that we can do what we choose to do. If we think that it is important enough to do, we will see that it is done. This country is a technological giant. There is practically nothing we cannot do once we set our minds to it. To imply that we cannot build machines fast enough or modify the airports in a timely manner is simply underestimating the ability of the American people.

This is a puzzling issue because it is something that nearly everyone says we need to do. Yet there is a lack of will to actually proceed to do it.

Mr. INSLEE. Mr. Speaker, reclaiming my time, I disagree a little bit with the gentleman who says we are technological giants. I have a door knob on my house that I cannot get to work; but there are others who have developed this equipment which is incredibly accurate. We do not have a war mobilization plan from the U.S. Congress. When the Japanese bombed Pearl Harbor and President Roosevelt gave his speech from this Chamber, we immediately went on a wartime industrial mobilization process. Nobody said

we cannot build the Pentagon in 12 months, we cannot do that. The Pentagon was built from conception to completion in 12 months.

When they needed big bombers, they built 12,000, maybe 14,000, I would need to check the numbers, B-24 complex bombers, 4-engine bombers, because they said we are going to do it.

Now the House has to get up on its hind legs and say we are going to build 2,000 of those machines by a time certain. If we give an agency language as soon as we get around to it, I am not sure that it is going to be in this millennium.

Mr. STRICKLAND. Mr. Speaker, if the gentleman will yield, we are going to pass a bill this week, and it is going to have this fairly meaningless language in it; and then we are going to tell people that we have solved the problem. The American people are going to be led to believe that we have done everything we can to make their traveling on airplanes as safe as possible, and it simply will not be true. We need to be specific. We need to have a mandate and a time certain.

If I can share a few other thoughts from this Columbus Dispatch editorial, it points out that the security procedures commonly in place have focused nearly entirely on the contents of carry-on baggage, and the screening for checked luggage is through a series of questions designed to reveal whether people had packed their own bags and kept them in sight and planned to board the plane for which they were ticketed.

These measures were imposed after the Lockerbie explosion, and they were based on the theory that no one would board a plane that was going to blow up because the theory was a person would be highly unlikely to blow up a plane and kill themselves. But on September 11 we learned something. We learned that there are terrorists, fanatical terrorists, who not only are willing to die, but seemingly are anxious to die for what they believe in.

We can no longer use this casual method of asking have you packed your own bag and has it been in your sight. We need to have the technology that will make it possible to screen for explosives. Some of these explosives are so powerful that a portion the size of a bar of soap can do incredible damage. We cannot afford to allow this to continue as it has.

As I said to my colleague from Washington State, we are going to be debating these matters here in the House of Representatives, and there are going to be some who are going to contend that this language, almost meaningless language, is going to provide protection to the American people. If that is all we get in this bill, it is going to be a real failure, in my judgment.

Mr. INSLEE. Mr. Speaker, if the majority party does not allow a vote on this amendment, we will have spent all of this energy debating who the employees will be doing the screening, and

there will be substantial debate. There is a difference between the parties largely on that issue. Democrats believe there should be Federal responsibility like border guards, FBI agents, marshals, that these ought to be Federal employees because that is the safest way to go.

The majority has an ideological hang-up, and there will be debate. To not have a debate on who will take nail clippers away from passengers, and not have a specific promise to the American people that by a date certain the bags are screened to determine that the bags are not packed with 30 pounds of C-4 high explosives, would be a criminally negligent act by this House.

We are concerned and do not think that this ideological inhibition that my friends in the majority leadership have against Federal employees should stymie our ability to make a commitment to the American people that their bags are not going to have bombs in them.

I have good friends on the Republican side of the aisle who back this provision. The gentleman from Connecticut (Mr. SHAYS) has been a leader on campaign reform issues and has supported this. We have quite a number of other Republicans who are supporting this. We believe if we have a vote on this floor, we will have good bipartisan support for this provision.

Mr. Speaker, the problem is if the majority leadership has a stranglehold on the rules and does not allow a vote, we are not going to have this bipartisan solution adopted. We urge all Members to see that the majority party allows this to the floor for a vote. Then we can have the other vote about who these parties should be.

Mr. Speaker, I yield to the gentleman.

Mr. STRICKLAND. Mr. Speaker, I was in Athens, Ohio, this past weekend; and I had a discussion with a young man who told me he had planned a trip to Florida for himself, his wife and children; and he said I am not flying. I have gone to the airlines and asked for my ticket money back. They will not return my ticket money, but they have told him that he can use his ticket during the next 12 months. He said, I hope after a few months I will feel safe enough to use those tickets.

We want the airlines to survive and prosper, and we hear talk encouraging the American people to go back to normal living and carry on their lives as they did prior to September 11, to buy goods, to enjoy themselves in social settings and the like. We also want them to fly.

Congress gave the airline industry a \$15 billion bailout less than a month ago because we were afraid the airline industry would not survive in this country without that kind of governmental assistance. I opposed that bill at the time; but many, many of my friends in this Chamber thought it was the right thing to do and voted for it.

My feeling is the best way to get airlines healthy in an economic sense is

to encourage people to fly. How can we encourage people to fly if flying is not as safe as it ought to be or could be? I want to be able to say to that young man in Athens, Ohio, and to all of my constituents, we have taken action in the House of Representatives that will keep you as safe as it is possible for you to be when you choose to use air travel.

Once we do that, then I think the American people will return to the airports and they will take their vacations and business trips.

I talked to another individual today who was in Florida, and he was coming back to Washington and I asked him how he was getting back here and he said, I am driving. Ordinarily this individual would fly, but he still does not feel comfortable in flying. We need to take this action. If we do, I believe the American people will return to life as they normally lived it prior to September 11.

Mr. INSLEE. Mr. Speaker, I appreciate the comment about confidence in the American people. The reason this has not happened to date is some folks have not wanted to make the investment to buy these machines or to take the trouble to install them. I cannot think of a more penny-wise and pound-foolish approach when it comes to safety. If we lose another plane, nobody is going to be getting on these airplanes. We are already down significantly.

As a person who represents thousands of Boeing workers in the Seattle area, we have had 12,000 people laid off this year because of the drop of people getting on airplanes. The U.S. economy cannot withstand the devastation that will occur if we lose another airplane. As far as the expenses, it will cost about \$2 billion to install these measures. If we put it in context, it is \$2 per ticket for 1 year. I am convinced that people think it is worth \$2 a ticket to make sure there is not a bomb in the airplane. That is for 1 year. It is a one-time investment.

Our proposal has suggested that we simply appropriate funds from the general fund to make this investment. The other Chamber has made a proposal with a surcharge of \$2 per ticket to assist in security. We think that it is just as well to take it out of the general fund. However it is financed, people who get on airplanes, if we poll them, do passengers want this \$2 spent by somebody, they are going to say "yes" even if it is them. It is worth \$2 to get over this known threat.

I am hopeful that the majority party will hear our request to allow a bipartisan consensus to develop; but I think we need to describe why this has not happened to date. The reason it has not happened to date is that there has been this ideological resistance to the idea of having the Federal Government act to take care of the citizens it is supposed to protect.

The first duty of government is to protect the physical security and safety of its citizens. That is the first duty

of government. Frankly, government has not done as good a job as it should in this regard. Our government has engaged in an experiment in airline safety in the last 10 years. That experiment involved letting out to the low bidder the contracting out of the employees to screen passengers before they get on airplanes.

□ 1945

We had that experiment and it was a grand failure on September 11, because we had multiple known failures of that system. We had these companies hiring ex-felons. We had these companies hiring people that had been fired at other places. We would have companies that did not screen their own employees for who their identity is. We have had test after test after test where we had these employees that were so poorly paid and so poorly trained and totally noncertified that at Dulles International Airport when they tried to get 20 weapons through out of 20, they got seven weapons through this alleged screening-porous system. So that was an experiment that failed.

We should not be having this theoretical argument because that experiment failed. Having private contractors with government supervision is a known recipe for disaster. We need to have a federalized system of Federal employees who the Federal Government certifies, trains and employs to give passengers what they deserve which is a high level of confidence. To me, I have to tell you, if you ask people who is more important to your personal security, whose eyes and ears and judgment is more important to your personal security, a border guard or a screener at an airport check-in counter, I have got to believe the check-in counter is at least and I think more important to our physical personal safety. We make sure that the people who do the border guards are Federal employees so we can make sure that they hew to the standards that we set. But we do not do that for the people who your personal safety is in their hands when you get onto an airplane.

I heard a flight attendant sort of ask a good question. She says Members of Congress have Federal employees protect their personal security, our police force here in the U.S. Capitol. We insist that we have government employees protect our personal security. But for the flying public, we let the lowest-priced, minimum wage, untrained, uncertified ex-felon get that job as long as a contractor can swing some low-ball deal. That is not the way we can do business anymore. So we are going to insist on having Federal employees do this work.

Mr. STRICKLAND. I would like to share an incident that happened with me at Dulles International Airport just within the last 2 weeks. I think it illustrates the fact that our current procedures are woefully inadequate and even dangerous. I went to the airport early

one morning, I had a 7:20 flight so I arrived well before that time. I asked to have my bag checked. The person there at the ticket counter gave me my seat assignment and handed the ticket back to me. Then she said, Sir, you've been selected at random to have your bags further screened. They were screening them for possible explosive devices. Then she said to me, I would like for you to take your bag, walk down the corridor here until you come to the crossover, turn to the left, go to the next major corridor, turn to the left and you will see the machine where they are doing the screening over at your right.

I said to her, With all due respect to whoever is responsible for this process, what makes you think that if I've got an explosive device in that bag that I am going to voluntarily, without being escorted or without being observed, carry it over there and ask someone to screen it for explosives? It just does not make sense.

The fact is that if I had had an explosive device in that bag, I could have just simply left the airport and come back later in the day at a time when it was highly unlikely that I would be selected a second time at random to have that bag checked. But I think it points out a larger problem. I have been told that at Dulles, for example, 80 percent of the people who provide the screening are low-paid individuals with minimal training and some 80 percent are non-citizens. It is difficult to do adequate background checks and the like when you have those circumstances prevail.

I would like to share something that was written in the Dallas Morning News just a few days ago regarding this matter. I quote from this Dallas Morning News story:

We normally favor private sector responses, but it was troubling to hear from the Justice Department last week that a major handler of security in the U.S. airports had hired screeners who had criminal backgrounds and drug problems and who had lied about their histories. That record does not bode well for a dual system of private employees and Federal standards. It's better to think of airline screeners as important as border guards or custom agents, all of whom work for the government. There is a time for ideological arguments, but there is also a time when legislators need to compromise. We have reached that moment. The Nation needs better airport security and the House should not stand in its way.

That, I think, is a very powerful statement from the Dallas newspaper, indicating that we need to move to have a system of screeners and employees that are answerable to Uncle Sam. My friend from Washington State said that we would not tolerate private employees guarding this wonderful Capitol building or providing security for those of us who are Members of the House of Representatives or the Senate of the United States. We want professional law enforcement, public law enforcement officials doing that. There should be no less concern for the traveling American public. They also deserve to have security personnel who

are answerable to Uncle Sam, who are sworn, who are well-trained, who are dedicated to the public protection. Anything less than that will continue to put the traveling public at risk.

Mr. INSLEE. I appreciate that. I think you have to ask why there is such resistance to this idea. It is actually surprising to me. You have to ask, do the folks in the majority party who refuse to accept this idea, is it because they distrust the Capitol Police because they are employees of Uncle Sam? Is it because they distrust our border guards because they are employees of Uncle Sam rather than working for a private contractor? Do they distrust firefighters because they are governmental employees rather than working for private enterprise? I think the answer is no. My friends in the majority party would say, No, we trust firefighters. We trust our border guards. We trust our FBI agents. We trust our Capitol Police who work for Uncle Sam. It is not a lack of trust. And if you ask them what is it, then, they would say, I believe, in all sincerity, we just don't like government doing things. I think that is the bottom line. There is an ideological inhibition of some of our friends across the aisle who have refused to accept the proposition that there are times when Uncle Sam has to come to the aid of its citizens. And when you are under a threat from terrorists who are running airplanes into large buildings and somebody who is putting anthrax in our mail, it is time to accept the proposition that Uncle Sam needs to come to the physical assistance of its citizens. We hope that enough of our friends across the aisle forget the ideological debating points. This is not a Harvard debate. This is an issue of life and death, whether we are going to save people or not. And so we hope that this practical, common-sense attitude allows us to develop a bipartisan consensus here and for a moment we can put away these ideological, theoretical things, arguments we used to have in college at midnight. This is real life.

Mr. STRICKLAND. I have heard some of the leaders on the other side of the aisle say that they did not want the federalization of these employees because they would join unions. But I think it is appropriate for us to recall that the young firefighters who gave their lives in the trade towers in New York City were, by and large, members of a union, that the police officers that sacrificed their lives in service on that terrible day of September 11, they were members of unions. I do not think we should fight this battle on the basis of whether or not the employees would be able to join a union or not join a union. What we want are people who are responsible to the government, to the Federal Government, to provide the kind of protection that the American people need and deserve. I doubt very seriously that if the firemen and the police officers in New York City were paid little more than minimum wage,

were private contractors, that they would have been willing to do what those brave men and women did on September 11 in New York City. We do not privatize our FBI, we do not privatize our customs agents, we do not privatize our border patrol folks. We do not privatize the Capitol Police that protect this wonderful Capitol and provide protections for Members of the U.S. Senate and Members of the United States House of Representatives. They are not privatized. Why should the people who provide the protection for our citizens who go to airports and get on airplanes have to suffer under the protection of lowly paid individuals who are poorly trained and who cannot, even though they try, under those circumstances, they cannot provide the depth and the quality of protection that the traveling public deserves?

Mr. INSLEE. I think that is a very good point, that the people who are working at these gates now, we are not blaming them. They are working hard. But they are given maybe minimum wage. They are given maybe a few hours of instruction. As a result of their poor treatment, some of these airports have a 300 to 400 percent turnover rate. And as long as you are having a low bid situation, you can expect those conditions to prevail.

Now, I think we should talk a little bit about why this system has failed. Why has this experiment of having private contractors provide this service failed? We had FAA supervision of them. This is what our friends across the aisle are proposing. Private contractors hire the people, the FAA has supervision. That is exactly what we had in the last 10 years. The FAA has drawn up these rules for these contractors to follow. So you have to ask yourself, why has this been such a miserable failure? The sad fact is, because the contractors and the airlines they serve have been successful with their armies of lobbyists who do a good job who have come up here and have blocked, in Congress and in the FAA, any rules or statutes to significantly increase the professionalism of this workforce, because it would cost another dollar. And they have been successful in strangling any progress in our political system to do this. It is clear to me that until that stranglehold is broken, we are not going to get to a professional law enforcement oriented screening system in this country. That is why it is important to us to move in this direction.

I would like to now yield if I could to my good friend the gentlewoman from Ohio (Mrs. JONES), the great prosecutor who knows something about law enforcement.

Mrs. JONES of Ohio. I would like to thank my colleague the gentleman from Washington (Mr. INSLEE), the gentleman from Ohio (Mr. STRICKLAND), and I see seated here with me also the gentlewoman from Ohio (Ms. KAPTUR).

Mr. Speaker, I rise in support of the federalization of airline security per-

sonnel. Yesterday in the City of Cleveland, I joined with many other unions who represent the workers at the airport in support of airline security and a safety net for the workers of the airlines. I have a personal interest in this in light of the fact that my father, Andrew Tubbs, worked for United Airlines some 38 years as a sky cap. My sister, Mattie Still, worked for United Airlines some 30 years as a CTR operator. My brother-in-law, Robert Still, worked as a sky cap in California for some 30 years. And currently my niece, Lorri Still, is a flight attendant with United Airlines. So the workers of the airlines industry are very, very important and personal to me.

Yesterday, in the City of Cleveland we stood and said to the Congress, hurry up. Time is a-wasting. We need to enact legislation that will federalize the airline security personnel. We need to elevate the position of airline security to the level of those of law enforcement, to the firefighters, to the Cleveland police officers, police officers across this country, to the Federal marshals, to the Capitol Hill police. That way they will get the type of training and professionalism that they need in the job.

I want to say to the American public, get back on the airplanes like we are required to do. I want to say, have trust in what happens. But until we federalize airline security, that in fact is not going to happen.

□ 2000

I heard others say that they are worried about people joining unions. I wish my father had had a union. He used to tell me stories about the skycaps: no unions, no dollars for health care, no dollars for sick leave. And what they used to do, these guys used to pass the hat, so when they got tips on any evening, they used to divide those tips up among the folks that were there and put money in for those who were not there, so that those guys still had tips, as though they were working every day.

Why should workers have to do that? The company should provide that type of security. Why should we think that this job is any less honorable than any other job?

As I go back through the airport every weekend into the city of Cleveland, those skycaps walk up and say, "Stephanie, are you trying to get money for me?" The people working at the desk say, "Stephanie, are you trying to get money for us? Are you trying to secure and make sure the jobs we do on a daily basis are secure?"

I have friends, and I think about these guys. My father is 81 years old, and I think about all the guys that used to work with him who are still around and they say, "What a great group of men we had." So if skycaps right now make \$2.88 an hour, imagine what they made back in the 1940s per hour to work and do the job.

So I am just standing here with my colleagues, the gentleman from Washington (Mr. INSLEE), the gentlewoman

from Ohio (Ms. KAPTUR), the gentleman from Ohio (Mr. STRICKLAND), and all of us who believe in the importance of airline security, that it is time out to the Congress. Step up to the plate. Say to the American public that we are going to secure you. We are going to make sure when you get on that plane, things are safe. Maybe even in the legislation that we pass, we will require that every piece of luggage that gets on a plane has been screened in some fashion.

But if we can elevate the position of airline security to an honorable position, a professional position, all of us will be better off. I am so happy to join the gentleman from Washington (Mr. INSLEE) and all of the Members this evening as we talk about this important issue that is important to the security and safety of all of us here in the United States and those traveling through the United States.

Mr. INSLEE. I hope the gentlewoman will report to your former sky cap father that he has got something to be proud about, sending you to us.

Mrs. JONES of Ohio. I called him up and said, "Dad, turn it on. I am talking about you tonight."

Mr. INSLEE. I thank the gentlewoman very much.

I want to yield to the gentleman from Ohio (Mr. STRICKLAND) for some closing comments. I intend to yield to the gentlewoman from Ohio (Ms. KAPTUR) to finish the hour.

Mr. STRICKLAND. Mr. Speaker, I thank the gentleman for yielding.

I would just like to close my remarks this evening by once again referring to the editorial in the Columbus Dispatch of October 16. The editorial ends with this question: Will there be no end to the revelations of how poorly the Federal Government, airport security workers and airlines have handled the job of protecting passengers? How many other rules are not being enforced, and how much evidence do House Republicans need to convince them that only a top-notch security force, paid by the taxpayers and not hired by the low bid contractors, will make the airways as safe as possible? A bill passed by the Senate and pending in the House would federalize airport security. The House should stop playing politics with this essential legislation and pass it.

I would just like to point out in closing that in the Senate, they voted 100 to zero to pass this vital legislation. We need to bring it to this floor, and we need to pass it this week. If we do not, the American people should hold us accountable.

Mr. INSLEE. Mr. Speaker, I thank the gentleman.

I would like to yield to a person who is always a voice for common sense, the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I want to thank the gentleman from Washington (Mr. INSLEE) and the gentleman from Ohio (Mr. STRICKLAND) for bringing up

this very important subject at a time when the American people are expecting to hear from us, their representatives, and also our beloved colleague, the gentlewoman from Cleveland, Ohio (Mrs. JONES), whose family obviously has enormous experience in this area, merely to say thank you to all of you for highlighting this important issue to the American public, the issue of safety in the airline industry and how important it is and what common sense it makes to have a Federal position at our various airports around the country, Federal positions, Federal responsibilities, Federal training and a program of instruction and of career advancement, so we can get the very best type of training and trained individuals to serve in these critical positions now and into the future.

It would be so very easy for us to merely take the Senate bill and to pass it here; yet it has been held in abeyance now for several weeks. So there is not a commitment by the leadership of this institution to federalize these security positions.

All of us flew back here over the last 2 days. We know the people out there at the airports are doing the very best that they can. But, honestly, we need to have the same kind of professionalism that we have in our security services around this country at different levels.

I just wanted to thank these gentlemen for telling the American people that it is high time we took up the Senate bill and passed it here.

I know that the gentleman has time remaining, and I want to give him a chance to close.

Mr. INSLEE. Mr. Speaker, just to make a closing comment, then I am going to yield to the Chair so the Chair can yield back to the gentlewoman for another subject. I wanted to thank the Members who have joined me this evening. This is the crunch time for the U.S. House. It has a duty. I certainly hope that we do our duty, which is to set a time-line to get every bag checked for explosive devices, that we have a professional force to do it. Heaven help us if we do not discharge that duty. I hope bipartisanship will actually blossom this week to get this job done.

Mr. Speaker, I yield the balance of my time to the Chair.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2330. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2330) "An Act making ap-

propriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KOHL, Mr. HARKIN, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, Mrs. MURRAY, Mr. BYRD, Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. MCCONNELL, Mr. BURNS, Mr. CRAIG, and Mr. STEVENS, to be the conferees on the part of the Senate.

EXPLAINING THE CONTEXT FOR AMERICA'S CONFLICT

The SPEAKER pro tempore (Mr. OSBORNE). Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 15 minutes as a further designee of the minority leader.

Ms. KAPTUR. Mr. Speaker, as one Member, I feel a particular obligation at this time in our country's history to help provide information and insight to the American people, and indeed to the people around the world, who are looking to us for leadership and for an explanation of enduring freedom, the roots of the engagement in which we now find ourselves involved with a growing coalition around the world. From time to time I will be coming to the floor, as I did last week and now again, to talk about some of the events in past years that have created the context for the conflict in which we as a Nation have now been placed in dead center.

Last week we talked a bit about the economics of the Middle East and America's over-reliance on imported oil and the fact that each of the economies of the larger region in which this conflict is occurring make money primarily from oil, with Saudi Arabia being the largest supplier of petroleum to the United States.

In Toledo today, where I just flew from, gas prices are down to 99 cents to \$1.01 a gallon. Do not tell me there is no relationship between the desire of the oil-producing countries to have America win this battle and therefore to manipulate a bit on the spot market and the price of petroleum. I am sure Americans in the short term think that is probably a good thing, but in the long run what it does is it connects us to a very unstable part of the world.

Indeed, 52 percent of the petroleum that we consume is imported from Saudi Arabia, from Nigeria, from Venezuela, from Mexico. America now consumes three times more in imported petroleum than she did 20 years ago. Oil and our inability to make ourselves energy self-sufficient here at home, simply because we have not had the will, is our major strategic vulnerability; and again we are faced with major unrest in the Middle East, this time some of that being brought to our own shores.

I wanted to talk a bit tonight about a wonderful book that I read 15 years

ago and I have been rereading over the last few days called "Sacred Rage," by a very well known journalist in our country, Robin Wright, who is both courageous and I think has shades of genius. The subheading of this book is "The Wrath of Militant Islam."

I just finished the chapter on Kuwait. Last night I was reading about Lebanon. I cannot go into the entire book this evening, but I will reference one of the beginning chapters that deals with Iran and the turning point as she, the author, would view it in the Middle East back in March 1982 when over 300, nearly 400 mullahs, religious leaders from that part of the world, convened at a conference in Tehran in the Revolutionary Nation of Iran at that point, and Iran was turning from a monarchy to a theocracy, and the men that came together at that time, and I will quote from the book, because it is very insightful and it bears on what is happening today, agreed to several common goals.

They agreed, first, that religion should not be separated from politics. This is a very foreign thought to people of the United States in this democratic Republic.

Second, they agreed that the only way to achieve true independence was to return to their Islamic roots.

Third, they agreed there should be no reliance on superpowers or other outsiders in their region, and the region should be rid of them.

Fourth, they recommended that the Shia, which is one sect of Islam, should be more active in getting rid of foreign powers.

Now, the Persian Gulf War a few years after that, of course, engaged the United States in trying to hold the border of Kuwait as Iraq attempted to move into that country. After that particular war, the Persian Gulf War, which was largely fought for oil, in my opinion, and the preservation of those oil supply lines through the Persian Gulf to the United States, I do not think that was a moral goal, but it was a goal that this Congress voted for and the American people supported, but after that the American people kind of forgot. It was over. Sure, we deal with the veterans in our districts and the people that served over there, but we became more and more hooked through the decade of the 1990s on imported fuel.

Not everyone has ignored this unfortunate development; and today, or actually yesterday, a brilliant writer, Rob Nixon, who resides in Madison, Wisconsin, a professor at the University of Wisconsin, wrote an editorial entitled "A Dangerous Appetite for Oil," and I am only going to quote a couple sentences of it. I will enter it into the RECORD this evening.

He advises the most decisive war we can wage on behalf of national security and America's global image is the war against our own oil gluttony. He talks about the fact that for nearly a century, oil has been responsible for more

of America's international entanglements and anxieties than any other industry. Oil continues to be a major source of America's strategic vulnerability and of its reputation as a bully in the Islamic world and beyond. Frankly, America made friends and supported regimes that could continue the oil lifeline to this country, and part of the "Sacred Rage" relates to the exclusionary manner in which the governments of those nations dealt with their own populations and the rather maldistribution of wealth that occurred.

Now, that is not America's fault; but we should be focused on those forces that create some of the rage that is directed against us and those forces that we contain here at home we should be about doing. One of those forces is to make ourselves energy self-sufficient here at home. That is what Rob Nixon writes about.

He talks about outside the West, the development of oil resources has repeatedly impeded democracy and social stability. The oil extraction industry typically concentrates wealth and power and provides many incentives for corruption and iron-fisted rule. In most oil exporting countries, the gap between rich and poor widens over time; and from the perspective of local people beneath whose land the oil lies, the partnership between oil transnationals and repressive regimes has been ruinous, destroying subsistence cultures while offering little in return. In fact, he quotes then the Nigerian writer, Ken Saro-Wiwa, who was hanged in 1995 for leading protests against such destruction and dubbed that process "genocide by environmental means."

Mr. Nixon writes, "Oil and related extractive industries have arguably done more to tarnish America's image abroad than any other commercial pursuit. By scaling back our reliance on foreign oil, we could reduce a major cause of anti-American feeling while simultaneously decreasing our vulnerability to oil embargoes and price spikes," and I might add the manipulation of the market which is occurring inside our borders today.

□ 2015

But we will never be able to drill our way out of this. In fact, even if we were to drill in the Arctic Wildlife Refuge, we would get about 140 days worth of supply for this country. And he, like many others across this country, talks about encouraging more quickly advances in developing wind and wave power, biomass research, which is something I so strongly support, particularly with the development of ethanol and biodiesel so I can buy it and you can buy it; transport fuels based on renewable oilseed crops, and photovoltaic modules that can convert, even diffuse, light into electricity, such as is being done by Solar Cells, a new company in my district.

We can do this. We can do this in the United States. We just have not had

the will to do it. As far as having oil as our chief proxy of our foreign policy in the Middle East, what a dangerous dependence. What a dangerous dependence this has proven to be for our people.

Robin Wright, in her book *Sacred Rage*, was given many, many commendations by well-known Americans, one of them Roger Mudd from NBC News who said, "If ever there was the right book on the right subject for the right readers at the right time, *Sacred Rage* is it. The *Kansas City Star* wrote, when the book was published, "Robin Wright manages against all odds to get a fix on a phenomenon that is complex, elusive, and kaleidoscopic. Moreover, her style of writing is so vivid that the book reads like a novel." I know that those who are listening can also get this at local libraries.

Mr. Speaker, if one looks at page 69, one will see a poster from the Party of God, which is one of the groups operating, in this case in Lebanon at that time, and it shows a powerful image of how those who were engaged in this particular sect felt about the West. It is important for Americans to understand who is actually trying to exert this negative force against us and to understand why, because once the why is understood, we can begin to move the world forward.

Today in *The New York Times*, there was an editorial by Thomas Friedman, which I will also enter into the RECORD, called *Drilling for Tolerance*. And again, he talks about why there is such instability in that part of the world, the role of oil in shaping our foreign policy to too great an extent and, again, he proves the point that trade has not brought freedom. He talks about how little many who should have known here in the United States understand about the internal politics of Saudi Arabia, and, in fact, some of the very schools that are educating youth to hate us. He talks about all public schools, the religion classes in Saudi Arabia, students being required to learn the following, and it states, "It is compulsory for the Muslims to be loyal to each other and to consider the infidels their enemy." That is, anyone who is a non-Muslim is an infidel, someone who is an enemy. Imagine this being taught to 10-year-olds, 12-year-olds. He goes on to talk about how it is time to tell the truth. He says he was always for getting rid of oil imports before September 11, but now even more. He says, Why should we continue to purchase oil from countries like Saudi Arabia when they are using the very proceeds to buy textbooks to teach this kind of wrath to their youth?

So I just this evening very much want to urge the American people to have courage in these moments. The depth of this democracy of our great Republic will weather us again. We have educated all of our people. We believe in helping both men and women move forward in our country. We believe very much in free enterprise. We

are not a monarchy. We believe in helping to distribute the resources of this land to all who work hard, and for those who are unfortunate and cannot, we try to take care of them as well. Those strengths, along with our military and with the great patriotism we have, will carry us through.

[From the Foreign Affairs, Oct. 30, 2001]

DRILLING FOR TOLERANCE

(By Thomas L. Friedman)

In April 1988 Saudi Arabia asked the U.S. to withdraw its newly appointed ambassador, Hume Horan, after only six months. News reports said King Fahd just didn't like the U.S. envoy. What the Saudis didn't like about him, though was that he was the best Arabic speaker in the State Department, and had used his language skills to engage all kinds of Saudis, including the kingdom's conservative religious leaders who were critical of the ruling family. The Saudis didn't want someone so adroit at penetrating their society, so—of course—we withdrew Mr. Horan.

Ever since then we've been sending non-Arabic-speaking ambassadors to Riyadh—mostly presidential cronies who knew exactly how to penetrate the White House but didn't have a clue how to penetrate Saudi Arabia. Yes sir, we got the message: As long as the Saudis kept the oil flowing, what they taught in their schools and mosques was not our business. And what we didn't know wouldn't hurt us.

Well, on Sept. 11 we learned just how wrong that view was. What we didn't know hurt us very badly. On Sept. 11 we learned all the things about Saudi Arabia that we didn't know: that Saudi Arabia was the primary funder of the Taliban, that 15 of the hijackers were disgruntled young Saudis and that Saudi Arabia was allowing fund-raising for Osama bin Laden—as long as he didn't use the money to attack the Saudi regime.

And most of all, we've learned about Saudi schools. As this newspaper recently reported from Riyadh, the 10th-grade textbook for one of the five required religion classes taught in all Saudi public schools states: "It is compulsory for the Muslims to be loyal to each other and to consider the infidels their enemy." This hostile view of non-Muslims, which is particularly pronounced in the strict Saudi Wahhabi brand of Islam, is reinforced through Saudi sermons, TV shows and the Internet.

There is something wrong with this picture: Since Sept. 11, the president of the United States has given several speeches about how Islam is a tolerant religion, with no core hostility to the West. But the leader of Saudi Arabia, the keeper of the Muslim Holy places, hasn't given one.

The truth is, there are at least two sides to Saudi Arabia, but we've pretended that there's only one. There is the wealthy Saudi ruling family and upper middle classes, who send their kids to America to be educated and live Western-style lives abroad and behind the veil at home. And there is an Islamist element incubating religious hostility toward America and the West, particularly among disaffected, unemployed Saudi youth.

It is said that truth is the first victim of war. Not this war. In the war of Sept. 11, we've been the first victims of our own inability to tell the truth—to ourselves and to others. It's time now to tell the truth. And the truth is that with the weapons of mass destruction that are now easily available, how governments shape the consciousness, mentality and imagination of their young people is no longer a private matter.

We now have two choices: First, we can decide that the Saudi ruling family really is

tolerant, strong and wants to be part of the solution, and thus we can urge its members to educate their children differently and ensure that fund-raising in their society doesn't go to people who want to destroy ours. If so, I don't expect the Saudis to teach their kids to love America or embrace non-Muslim religions.

But if countries want good relations with us, then they have to know that whatever religious vision they teach in their public schools we expect them to teach the "peaceful" realization of that vision. All U.S. ambassadors need to make that part of their brief. Because if tolerance is not made universal, then coexistence is impossible. But such simple tolerance of other faiths is precisely what Saudi Arabia has not been teaching.

If the Saudis cannot or will not do that, then we must conclude that the Saudi ruling family is not really on our side, and we should move quickly to lessen our dependence upon it. I was for radical energy conservation, getting rid of gas-guzzlers and reducing oil imports before Sept. 11—but I feel even more strongly about it now.

"Either we get rid of our minivans or Saudi Arabia gets rid of its text books," says Michael Mandelbaum, the Johns Hopkins foreign policy specialist. "But one thing we know for sure—it's dangerous to go on assuming that the two can coexist."

[From the New York Times, Oct. 29, 2001]

A DANGEROUS APPETITE FOR OIL

(By Rob Nixon)

ADISON, Wis.—For 70 years, oil has been responsible for more of America's international entanglements and anxieties than any other industry. Oil continues to be a major source both of America's strategic vulnerability and of its reputation as a bully, in the Islamic world and beyond.

President Bush recently urged America to reduce its reliance on foreign oil. We can take his argument further: by scaling back our dependence on imported oil, we cannot only strengthen national security but also enhance America's international image in terms of human rights and environmentalism.

Importing oil costs the United States over \$250 billion a year, if one includes federal subsidies and the health and environmental impact of air pollution. America spends \$56 billion on the oil itself and another \$25 billion on the military defense of oil-exporting Middle Eastern countries. There are additional costs in terms of America's international reputation and moral credibility: our appetite for foreign fossil fuels has created a long history of unsavory marriages of convenience with petrodespots, generalissimos and forerunners of terrorism.

The United States currently finds itself in a coalition with Russia, Pakistan, Saudi Arabia and the Northern Alliance. Their human rights records range from bad to heinous. This is a conjuncture familiar to oil companies. From the Persian Gulf states to Indonesia, Turkmenistan, Kazakhstan, Colombia, Angola and Nigeria, they have cozied up to dubious, often brutal regimes that allow corporations to operate with few environmental or human rights constraints.

Outside the West, the development of oil resources has repeatedly impeded democracy and social stability. The oil-extraction industry typically concentrates wealth and power and provides many incentives for corruption and iron-fisted rule. In most oil-exporting countries the gap between rich and poor widens over time. From the perspective of local people beneath whose land the oil lies—Bedouins in the Middle East, the Huaorani in Ecuador, Nigeria's Ijaw and

Ogoni, the Acehnese of Indonesia—the partnership between oil transnationals and repressive regimes has been ruinous, destroying subsistence cultures while offering little in return. The Nigerian writer Ken Saro-Wiwa, hanged in 1995 for leading protests against such destruction, dubbed the process "genocide by environmental means."

Oil and related extractive industries have arguably done more to tarnish America's image abroad than any other commercial pursuit. By scaling back our reliance on foreign oil we could reduce a major cause of anti-American feeling while simultaneously decreasing our vulnerability to oil embargoes and price spikes.

Long before the Sept. 11 attacks, President Bush adopted the slogan, "National security depends on energy security." How can America best come closer to energy self-sufficiency? To date, the Bush administration has changed our relationship to fossil fuels primarily by deregulating and decentralizing controls, while advocating increased drilling. Interior Secretary Gale Norton supports opening up many wilderness study areas, national monuments and roadless national forests for oil and gas leases.

But we will never be able to drill our way out of even our short-term energy problems, much less our long-term ones. America consumes 25 percent of the world's oil while possessing less than 4 percent of global oil reserves. Even opening the Arctic National Wildlife Refuge to drilling would provide a mere 140 days' worth of fuel. Such modest new supplies would take an estimated seven years to reach the consumer and would be more costly than imported oil.

We have to be more inventive about easing our reliance on all oil, foreign and domestic. A good start would be to reverse the administration's rollbacks in financing research into fuel efficiency and renewable, clean energy sources. We need to build on the encouraging advances in developing wind and wave power, biomass research, transport fuels based on renewable oilseed crops, and photovoltaic modules that can convert even diffuse light into electricity. Some of the most promising progress has been in energy efficiency: household appliances that require half the energy they did a decade ago; cars that can get 70 miles per gallon.

Changing public attitudes is going to be an even steeper challenge. Yet is it too much to hope that the S.U.V. will come to be viewed as an unpatrician relic of the 90's, when America's dependence on foreign oil spiked by over 40 percent? Is it unreasonable to believe that with commitments from Detroit and government, hybrid cars could become not just more sophisticated but sexier, narrowing the gap between fashion and conscience while saving us money at the pump? Could hybrids and fuel-efficient vehicles emerge as the cars of choice for a more patriotic and worldly America?

Redesigning hybrids is one thing; the business of remodeling American consumer desire is an undertaking altogether more ambitious. But we do have precedents: remember the beloved Oldsmobile 88's and Ford LTD's that lost their appeal after the 1973 Arab oil embargo? With a combination of pocketbook incentives, government stimulus and industry inventiveness, perhaps we could tart uncoupling America's passion for the automobile from our dangerous and doomed appetite for oil. The most decisive war we can wage on behalf of national security and America's global image is the war against our own oil gluttony.

**AIRLINE AND AIRPORT SECURITY:
WHERE DO WE GO FROM HERE?**

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Arizona (Mr. SHADEGG) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHADEGG. Mr. Speaker, I want to talk tonight about an issue that was discussed in the last hour and will be discussed in this country and in this Chamber tomorrow and the day after. Indeed, it is a topic that all Americans have been focused on if they are watching the great debate here in this city. That topic is a critical one for this country; it is airline and airport security.

This country's economy depends on our national air system, on our air travel system, on the security of people who decide to take a flight, whether it is for recreation or business, from their home to some other location to conduct business or to go on a vacation.

We heard a discussion in the last hour about the bill that will be before us, and I think it is important for all Americans to understand the issues presented by this legislation. It is vitally important that we make America's airports and America's airlines and America's air travel system absolutely safe. However, it is also important in doing that that we have an informed debate, a debate about what needs to occur and a debate about what is wrong with the current system, and a debate about what the alternatives are for the future.

Unfortunately, a lot of the debate that we have had and that we heard in the last hour focused on the past and not accurately on the future or the issue that is presented for the future. We heard a lot of discussion in the last hour about the flaws in the current system and about what is wrong with the current system.

Mr. Speaker, I want to make it absolutely clear that no one is proposing that the current system be retained. No one is proposing that. I want to make it also clear that while a lot of the discussion in the last hour focused on this issue of a Republican versus a Democrat solution of philosophy or ideology, those really are not the issues. The issue which all Americans need to understand as the issue is the safety of our airlines, the safety of our airports, and the safety of air travel in America. On that issue, I and my Republican colleagues do not see it as partisan and do not see any benefit in discussing a partisan divide. We see it as one issue: how do we make the skies of America safe for every single American, black, white, Republican, Democrat, brown, red; every American needs and deserves the best possible protection system for our Federal aviation system to ensure that we are all safe.

I want to say that I think it is sad, absolutely sad when the debate on this kind of issue, which ought not to be partisan, sinks to a level of partisan-

ship where one side is saying the other side is driven by ideology or bipartisan gain. This issue is about the safety of the American traveling public, and it is about how we make our airports and our airlines safe, the securist and the best it can be in the world. How do we create that system? It is not by creating a one-size-fits-all piece of legislation.

I would like to go down to the easel and walk through some of these points, because I think they are extremely important for all Americans to understand, and I have some graphics that I think will help make those points.

As I said just a moment ago, this is not about partisanship. And importantly, although we have heard a lot of discussion about what is wrong with the current system, it is not about the current system. Let me say it again. Let me make sure nobody misses this point. Nobody is debating the merits of the current system. The current system, whether it could have succeeded or not, has, in fact, failed. The current system has not provided the American people with the safety they deserve. So all the anecdotal stories we heard in the last hour, all the anecdotal stories we are going to hear tomorrow and the next day about the failures of the current system, about how the airlines are not doing security correctly; about the corruption, for example, of some of the current security providers, that is really not an issue, because the issue is not the current system. Nobody, again, is proposing the current system. Let us talk a little bit about that current system.

Under the current system, airlines hire private companies to supervise airline security. That is not in the Republican bill. That is not in the Democrat bill. That is not in the President's bill. That is not in any legislation. Nobody is proposing that we retain the current system where the airlines have responsibility for security and where private companies are hired by airlines to provide that security. Why discuss it? Why debate it? I was in a debate on this topic with one of my colleagues the other day who recounted to me over and over again the failings of the current security companies. Guess what? Nobody is proposing that we keep those systems. Under the current system there is no federalized and no law enforcement supervision of any kind. There is none. Right now, the Federal Government has no responsibility because we hand it over to airlines who hire private companies, and that system has failed.

So make no mistake about it, in the debate we are going to hear in the next few days, when we hear Republicans talk about the idea of having a mix of Federal Government employees and Federal supervisors and Federal training and Federal law enforcement personnel at every gate and at every site to supervise, but not requiring that every single employee as a mandate of Federal statute, which cannot be

changed until this Congress meets again; when they talk about that, they are not talking about the current system, because that does not exist in the current system. Under the current system, airlines hire private companies. Let me make it clear. That does not exist anymore. It is gone, absolutely, totally gone.

So although the stories about what is going wrong today or what is going right today about the checks that Americans may have experienced or may not have experienced when Americans have been through airport security in the last few days, all of that is a part of the past. Indeed, we will talk a little bit later about one of the dangers about one of the bills, the Senate bill, which says what we should do is make sure that every single employee responsible for any aspect of screening is a Federal Government employee. One of the dangers is that they will go out and simply hire the people that do the job now and make them Federal employees.

I want to make another point here: the issue is not where the paycheck comes from. I have never had a single constituent come up to me and say, you know, Congressman, I think I would feel more secure when I fly in an airplane if I knew that when I got on the airplane the person who checked me through got a paycheck from the Federal Government. I have never had somebody say to me, Congressman, I think I would feel more secure if when I went through the security gate, I knew the person got a paycheck from a private company. Nobody has ever said that is the issue. Indeed, that is not the issue. The issue is and the issue that all of us need to focus on is how do we create the best system to make sure that Americans are safe and secure.

The question we have to ask ourselves is what are the constituent elements of that? Well, I can tell my colleagues that one is, we have decided not to have the airlines continue to hire private companies. We have decided that the Federal Government should take over the responsibility of making our skies safe for the traveling public.

□ 2030

And both the Republican bill and the Democrat bill will provide that. The airlines no longer hire private companies. The airlines indeed no longer have the responsibility for this task. It becomes a Federal Government responsibility.

That is a decision that has been made. That is a debate that no longer will even occur, although some are trying to get Members not to watch the ball, and they may talk about that. They may say that private companies mean we are going to keep the old system. Please understand that is not correct.

There is another point. Right now there are no federalized standards, no federalized law enforcement present,

no federalized supervision at the gates. That is gone. That will not be part of any legislation that is before us tomorrow. But we need to talk about what is before us tomorrow and about the two different alternatives that are here.

One, quite frankly, is an approach by people who I think are genuine and sincere and are concerned about the safety of the traveling public, as I am, who think that the way we have to do that is to prescribe in Federal statute, locking it in forever and ever, until this Congress meets again and the Senate meets again and changes that, that the issue really is, where does the paycheck come from, and that the way to make our skies safe is to have those paychecks come from the Federal Government, because of course if they come from the Federal Government, our skies will be safer.

So the Senate bill, which will be offered here on the floor and which one of my colleagues just a moment ago called upon us to pass immediately, says that all screening of personnel and property must be done by Federal employees. It actually uses those words. It says it must be done by Federal employees, as if making them Federal employees would somehow accomplish the task.

I want to make it clear, I have a lot of friends who are Federal employees. I have great respect for Federal employees. I think they are sincere and hard-working people. I think this job could well be done by Federal employees.

But I do not think that it will be done by Federal employees correctly just because they were Federal employees. I think it could be done by Federal employees; I think it can be done by properly supervised private people, private employees, as well.

Again, the issue is not where their paycheck comes from. The issue is the standards and the training and the supervision, and, yes, the pay and the competence of the people who do these jobs.

The issues are: Are we intelligently thinking through the process; have we correctly assessed the threat; have we set proper security standards; are we training the personnel correctly to do the job; are we supervising them; are there law enforcement personnel present to supervise them; are there law enforcement personnel present to make arrests or to question people, if that needs to occur?

All of those things are true under the House Republican bill and, quite frankly, they are also true under the House Democrat bill, except the Democrat bill offers this premise: unless their paycheck comes from the Federal Government, they will not do it correctly. I simply reject that.

Now, the House Republican bill, and I regret using those terms, but those are the kinds of issues that we have here, and we will be discussing tomorrow a Republican and a Democrat bill, the House Republican bill says that the Secretary of Transportation can do

this through either Federal employees, or a mix of Federal employees who are law enforcement-trained and who are screened and trained and supervised, all the personnel. But it says that if the Secretary determines that some of those employees should be private rather than get a Federal Government check, then that is okay. We give that discretion.

I think it is important to understand that this is really not a fight about anything other than should we legislate the Department of Transportation into a strait-jacket where one must have Federal Government employees and Federal Government employees only; or should we give that discretion, so somebody could make a judgment?

If it should be, on their determination, the Secretary's determination, all Federal employees, so be it, but if it should be a mix, we can make that decision, as well.

There are problems with the Senate bill beyond this that I think are worth some attention and worth talking about; and I also want to talk about the facts behind this debate, because there are facts in this debate.

First, however, before we get to those facts, which include how this is done in Europe and how this is done for El Al, the airline that flies in and out of Israel, probably the most-attacked airline in the world, let us talk a little bit about the Senate bill.

In the last hour, we heard people call for, why do we not just pass the Senate bill, and why did we not do it a long time ago, and what in the world could be wrong with this? How could we have such a partisan debate? Why have some Members not just rushed to pass the Senate bill?

First of all, we have this building, we have this Congress, to debate these issues. We have them to educate ourselves and to study these issues. We do not just pass the other body's piece of legislation because it is done. We have a duty. I have a duty to my constituents to read it. I have a duty to study it. I have a duty to think about it. I have a duty to inform myself about it, and I have a duty to consider whether or not it does the job right.

I commend those who wrote the Senate bill for doing a competent job. They addressed a number of these issues. They moved very quickly. They are entitled to credit for that effort. But I do not believe it strikes the right balance. That is why I hope that my colleagues here in this body and all of the people across America will take a careful look and carefully listen to this debate, because the Senate bill is not flawless. Let us talk about it.

One of the first things that is kind of surprising to me about the Senate bill is that it perpetuates a flaw in the current system. The current system has a different mechanism, a different level of security at smaller airports than at larger airports.

Now, maybe if, when we flew from a smaller airport to a larger airport, we

had to in every case go back through security, there might be some rationale for drawing a distinction between small and big airports.

But that is not the way the system works. In my State of Arizona, we have two very, very large airports. We have Phoenix Sky Harbor Airport, and I fly in and out of that airport every single week. Let me assure the Members, I am part of the traveling public. I live in Phoenix every weekend, and I live in Washington during the week every week.

I have flown countless times since September 11. I have been through Reagan Airport, BWI, Dulles, and I have been through Orange County Airport, I have been through John F. Kennedy Airport, I have been through LaGuardia, and I have been through O'Hare and D-FW, all of those since September 11. So I am part of the traveling public, and this issue is of grave concern to me, not only for my safety but my family's safety and that of all the traveling public.

But I want to make this point: in Arizona we have two large airports, Phoenix Sky Harbor and Tucson International. But we also have multiple small airports at Flagstaff and at Page and at Prescott and at Yuma.

People should understand that if I get on an airline at a small airport in Flagstaff, Arizona, let us say it is the hometown airline, America West, and I fly out of Flagstaff, Arizona, and land in Phoenix, I am in the secure area at Phoenix Sky Harbor Airport. I do not have to go back through any security screening. I go straight from my arriving gate to my departing gate; and my departing gate can take me to any airport in the country, and indeed, to many airports around the world. It can certainly take me to LaGuardia and to Washington National, Reagan National. It can take me to Dulles and all the major airports of this country.

But if I got on at a small airport, I am in the system. The hijackers used that very advantage when they got on, when some of them got on for the attacks, the unspeakable horrors of September 11.

Yet the Senate bill allows different responsibilities for different airports. It says that the Secretary has the right to delegate the authority for certain smaller airports, but not for larger airports. So we have different levels of responsibility or different responsibility at different airports.

Explain that to me. As a Congressman, do I not have a duty to look at the facts, to look at what happened on September 11 and to say, well, why would the Senate bill say, well, we are going to have one level of security for the 100 or so largest airports in America, but we are going to have a separate and different responsibility at smaller airports, when that was one of the very loopholes that was either used or tried to be used by the hijackers on September 11?

For that reason alone, we should reject the Senate bill and reexamine it

and rewrite it. I hope we will do that. I hope Americans across the country will understand that that is a critical flaw in the Senate bill.

Now, that is not a partisan flaw. It is not that I think that the authors of that bill were insincere. It is not that I think that they intended to leave a loophole in the Senate bill.

It is, however, that in their effort rather quickly to write a piece of legislation to address this very, very, very important topic, they thought, well, maybe we should have the Secretary have different authority for different airports, and maybe we should allow him to set different authority for different airports.

I would argue that that is a serious flaw, and a flaw that was exposed by the hijackers on September 11. That is the first part of the Senate bill, and that would be my response to my colleagues who were here on the floor an hour ago urging us to instantaneously pass the Senate bill.

Interestingly, I had a debate with the ranking member of the Committee on Transportation and Infrastructure, or I guess one member below him, an expert in this field who has done some very, very good work in this field. He said he thought the Senate bill was not perfect; and, indeed, he thought the House Democrat alternative was better than that. I commend him for at least acknowledging there are some problems with the Senate bill.

Let us talk about the second problem in the Senate bill, because I think it is also a very, very severe problem with that bill. I do not see this issue, again, as where the paycheck comes from. I see it as the competency, the training, the supervision, and the professionalism of the people who do this job. I do not see it as being solved by a quick and dirty, "well, we will just make them all Federal employees" solution.

But if we go down that road, we have to look at this. Even proponents of that solution say, well, what about the issue of the accountability of Federal employees? What about the issue of accountability of government employees? What about the accountability of the people who will be doing this? What laws should they be governed by?

In the Senate bill, they try to address that issue. In the Senate bill, they have written a sentence which says, notwithstanding any other law, the Attorney General may hire, discipline, and I think fire or terminate these employees. I think their goal there was to make sure that these employees would be accountable, so that is why I talk about accountability.

Right now, the authors of the Senate bill have apparently said, we do not want the same civil service protections for these new Federal airport screening personnel as we have for other Federal employees. They actually, I think, conceded that point and wrote the bill this way because there has been discussion across the country, and indeed, discus-

sion in Europe, about the question of whether or not government employees with full civil service protection can be fired or disciplined as rapidly and as easily as they need to be.

I do not know if they can or not, but I know there was an effort on the Senate bill to say that we ought to do it differently, except that I think they did not do it right.

If we read their bill, we will see it says, as I said, "Notwithstanding any other law, the Attorney General may do these things." But in discussing that issue with one of the authors of the bill, he said he thought that made those employees at-will employees, meaning that if the Attorney General, who has the responsibility under the Senate bill, decided they ought to be fired or disciplined, he could just do it and there would be no civil service protection, no hearings, no nothing; it could just be done. Unfortunately, they do not use the words "at-will employees."

But more importantly, and this is a second key problem with the Senate bill, they do not cross-reference or refer the current civil service statute. What I mean by that is the current law gives civil service protection to all Federal Government employees, and there is a statute that gives that protection.

The U.S. Supreme Court, in a series of cases, has said that with that civil service protection, an employee may not be fired and may not be disciplined without certain due process rights.

The Supreme Court has said, Congress could choose not to extend those rights to either all Federal employees or some subset of Federal employees; and I think that is what the Senate was trying to do when they wrote this bill, but they did not. They did not cross-reference the Federal statute that gives government employees, Federal Government employees, civil service protection.

So I think, quite frankly, they have done nothing to ensure that the Attorney General, who has the authority under their bill to hire such employees or fire them or discipline them, in fact has that authority without civil service protection. So I think that is a very serious drafting problem with that bill.

When we hear people tomorrow and the next day urge people on the floor, just vote for the Senate bill, the Senate bill is perfect, the Senate bill is flawless, I hope Members will remember this. Because we can log on and find, all Americans and all my colleagues can find, this legislation and can look up these flaws. They can look up the fact that the Senate bill, which will be urged here on the floor, has different standards or allocates different responsibility for the security of airports that are large and those that are small; and it has this language which tries to make these new Federal employees accountable. But I think fails to do that, because, as we will see, there is no cross-reference to the title

IX, section 5, statute that gives these employees civil service protection.

□ 2045

So can they be disciplined? Who knows? Can they be disciplined without a hearing? Who knows? Can they be fired? Who knows? Can they be fired without a hearing or do they have these civil service rights? That issue, unfortunately, under the Senate bill will have to be litigated.

Now there are other issues that I think are worth discussing and worth people understanding on this very, very important topic; and it is not just that I am against the Senate bill. I want to make that clear. I am for the Senate or the House bill, whichever will make America's airlines and America's airports as secure and safe as is humanly possible.

I give no quarter, absolutely no quarter to claims that this debate is about somebody who wants to protect or preserve the current system, because that is not true. We talked about that a minute ago. The current system of airlines employing security companies is gone. That is not in the House committee bill. It is not in any Democrat substitute that will be here.

I give no quarter to anybody who says Republicans do not care about security or about safe skies. Come on. Give me a break. As if I do not fly and my family members do not fly. I give no quarter to anybody who says this is about partisan divide or philosophy or some dislike of government employees. That is outrageous and unfair.

The question is, is the Senate bill written correctly, or should we pass an alternative that fixes a couple of these problems, and do that and go to conference committee and try to write a good piece of legislation that will provide the American people with the securest and safest airline and airplane passenger and air traffic system in the world? And the answer is we have to do the latter. We cannot do the rush to judgment. We cannot just pass the Senate bill when we know it has these kinds of problems in it.

Let us talk about another issue. The Senate bill says that all passengers and property shall be screened by Federal employees. I have already expressed my concern about whether just having them be Federal employees is the answer, but let us talk about all passengers and property. Here is the interesting issue there. The Senate bill does not define, or at least does not define very clearly, about the question of property. What do we do about property?

We understand and I understand and the House bill supports the fact that every single carry-on piece of luggage needs to be screened and screened carefully. It needs to be screened by people who are competent and people who are trained. I think they ought to be certified by the Federal Government to do their jobs. They ought to be supervised by Federal law enforcement personnel

with the ability to question people and the ability to even make arrests on sight. That is what the House committee bill, the Committee on Transportation and Infrastructure bill does. But there are other issues besides that metal detector that we go through and carry our briefcases through, as I did this morning when I left Phoenix.

The other issues are what about our baggage? I think every single piece of checked baggage needs to be screened. It needs to be screened by personnel who are competent, by personnel who are trained, by personnel who know what they are doing and are paid well and are professionals. And they need the equipment to do that job right. That is in the House Committee on Transportation and Infrastructure bill. All of that is in the Committee on Transportation Infrastructure bill.

But when we use the word property we are raising the question of what about the employees who prepare the food that comes on to the airplane? Do they need to be Federal employees? Is that what the Senate bill is saying? What about the question of people who come on to the airplanes to clean them? Do they need to be Federal employees? Maybe they should be supervised by Federal employees. Maybe they should be screened by Federal employees. But do they need to be Federal employees?

One of things that we still do not know the answer to is in the tragic events of September 11 we know that those who carried out the attacks brought on board so-called box cutters. I first heard that term and I did not know what it was until I figured out it is the kind of razor knife that I use to cut open a box at home or to cut a piece of cardboard. It has a blade, it is in fact a razor blade, but the blade is exposed only about an inch.

Some of the speculation about September 11 and the attacks that occurred that day is that maybe those knives were not brought on board by the hijackers themselves, maybe they were brought on board by the cleaning crews. Maybe they were brought on board by the people who prepare the food. Maybe they were smuggled on board by mechanics. We do not know. But again it raises the question and I think the House bill address this, that we need a comprehensive system to ensure all security on those planes. And the idea of let us just make them Federal employees, we have to ask ourselves, where does that end?

Do all the people who cook the food have to be Federal employees? Do all the people who clean the planes have to be Federal employees? Do all the people who bring on boxes of Kleenex or rolls of toilet paper or big stacks of paper towels that we use to dry our hands, do they have to be Federal employees? What about the mechanics? What about the pilots? What about the stewardesses or flight attendants themselves? Do they all have to be Federal employees? That does not

make any sense. But under the Senate bill where we have this broad definition of property and this definition of Federal employees, we raise this very serious issue. Are we going to make all of those people, the cooks and the caterers and the cleaners and the mechanics and whoever else might bring something on board, some property on board the plane, a Federal employee?

I think that highlights that the Senate bill, though well intended, I think it has huge sections that are very well written and thoughtfully written out, made a mistake in that vague definition. I think we have a duty, all of us here in this Congress have a duty to read that bill carefully and to reflect on it and not just to rush to pass it, as was mentioned in the debate earlier here tonight. Why can we not pass the Senate bill? We have a good bill in front of us. What is wrong with it?

That is why I get really sad and disgusted. And I would hope that all people of good will in the debate that will come tomorrow and the next day would be saddened and disgusted when the attack comes that says, oh, the only reason that they do not want to pass the Senate bill is because of partisanship; the only reason they do not want to pass the Senate bill is because Republicans do not like it; the only reason they do not want to pass it is ideology or philosophy or refusal to compromise.

These points that I have just made, different airports having different levels of responsibility, accountability being unclear, the vague definition of what is property and what is not property and who would have to be a Federal employee, all raise serious questions on the merits, substantive questions, that I challenge my opponents, opponents of the House bill whether they be on that side of the aisle or this side of the aisle, to address, deal with and talk with. Explain why these are not serious problems in the Senate bill and explain why the debate that will occur here on what we ought to pass to make America's skies as safe as humanly possible is not a meritorious debate.

That kind of leads me to the last point, and maybe the camera can look at it here, and that is the word strait-jacket. I would argue in crafting the Senate bill, its authors were, I think, genuine and sincere and did their best to write a good piece of legislation, have simply made a mistake by creating a strait-jacket, a strait-jacket written into Federal statute that says here is how we do it.

It does not say, we want safe skies and we are going to give the authority to some Federal law enforcement officials to create safe skies. No. It says, we want safe skies and we, the United States Congress, know the only way to make safe skies and so we are going to write into law forever and ever, or at least forever and ever until we pass some other piece of legislation, that way to make the skies safe. And by the

way, that is to dictate that all of this be done by Federal employees.

Again, I do not criticize Federal employees. I have great respect for them. It is not about Federal employees or private sector employees. It is about professionalism. It is about training. It is about pay. And the critics who say the current people who do that job are underpaid are dead right. But, again, like I stated earlier, nobody is defending the current system. The House Committee on Transportation and Infrastructure bill drafted by the gentleman from Alaska (Mr. YOUNG) does not preserve the current system. It changes that system, as I outlined before. But what the Senate bill does is create a strait-jacket.

Now I want to talk just for a moment for people who understand the problem when you do that in Federal statute. All of us want clean air in America and all of us think that that is an important goal for us to have. We need the cleanest possible air for Americans to breathe. A few years back, the United States Congress wrote a law and said we will create clean air. And that was the right thing to do. But unfortunately the Congress went a step beyond that. And what we said was the way and the only way to create clean air is to mandate by Federal statute that we oxygenate the fuels. Guess what? It turns out in California that oxygenating the fuel is not the best way to create clean air. And out of this mess we have created TCE, which is in our water supply.

This raises a fundamental question about the debate that will go on here tomorrow. That is, when we as a Congress identify a problem, should we solve that problem by prescribing a standard and giving the authority to people who achieve that standard, or should we tell them how to do the job? Because the Senate bill says the only way to make the skies safe is already known, and it is known by the United States Congress. And it is to require everybody, though it is not clear who everybody is, who screens passengers and property to be a Federal employee. Well, that kind of strait-jacket did not work for clean air because we now have problems with clean air.

The answer is science moves faster than the United States Congress. The answer is scientists in the energy field have already figured out how to make cleaner air without using oxygenates. But the Federal Government knew the right answer, so it did not prescribe that we ought to have clean air. It said we ought to have clean air and this is how to do it. That is the problem with the Senate bill. The Senate bill creates a legislative strait-jacket. It does not say we want the safest skies in the world. It says we want the safest skies in the world and we, the Congress, in our arrogance, know the right way to do that. I want to say that that is just dead wrong. We do not know the right way to do it.

Let us talk for just a moment about the House bill and then the other experiences around the world and the facts. Here is the House bill. It probably is not perfect either, and if we pass the House Committee on Transportation and Infrastructure bill tomorrow we will go to conference and we can take the best of both pieces of legislation. But if we pass the Senate bill, it will be done and it will go to the President.

First of all, as I said, the House bill does not preserve the current system of airlines hiring private sector companies at the lowest bid, by the way, to provide the screening of passenger and baggage at airports. No. It says that all screening shall be done under the supervision of Federal Government employees. And it says that there will be Federal personnel at every single check point.

It is not a question of returning to the current system where we get to the gate and there is some private sector security person that was hired and they are the only one there. It is not that at all. It says that at every single check point in America there will be a presence of Federal Government supervisory personnel. And, by the way, they will either be law enforcement personnel or military personnel, and they will ensure that the screening is done properly. There will be Federal training, there will be Federal supervision, and there will be Federal standards, and there will be a law enforcement or military presence at every single check point. That is not the current system.

But to this key question of whether they have to be government employees every single one down to the last person, it leaves that open to the Secretary of Transportation. It says that we will let that job be done by the Secretary of Transportation to decide what is the proper mix.

I have said there are facts in this debate and there are facts in this debate. And I think it is important to talk about those facts. That dovetails into the way of House Committee on Transportation and Infrastructure wrote their bill because the system elsewhere in the world that is working does not follow the model of the Senate bill.

The system around the rest of the world that is working follows the model similar to the House bill, that is, national government supervision, a national government law enforcement presence at every check point, national government in those countries, national government standards and law enforcement presence; but it does not say that everyone shall be an employee of the Federal Government. Why? Because the issue, again, is not where their pay check came from. The issue is competence, training, supervision, pay, and professionalism.

Let us talk about the experience around the world. Again, I have charts that show this.

This chart, and it is maybe a little bit hard to see, is a chart of Europe. It shows, and I do not know how well it

can be read, but it shows the various countries of Europe and it shows a trend. Beginning 20 or 25 years ago in all of those countries, there was one system. The system was the national government ran security at virtually every airport, indeed, so far as I know, every airport in those countries. But beginning in the 1980s they discovered that that system was not the best system. And so they began to move to a mix of private and public personnel at these airports.

Now let us just take a look at them. Belgium went partially private in 1982. They still have a federal government, federal Belgium Government presence at the airports, but they have some private contractors. Supervised, trained, overseen by government employees, but not every single person is a government employee.

□ 2100

The map goes on, I just want to make this point over and over and over again. You may have heard that security is much better in Europe than it is here in the United States and, indeed, that may be, although the first flight I took after September 11, a gentleman in line in front of me had just come from Europe and he said he had gotten on an airplane in Milan, Italy, and he had not been asked a single question or gone through any security screening whatsoever.

But, nonetheless, the argument goes that in Europe, and this is a false argument but it is an argument that has been raised at the outset of this debate, that in Europe they all use government employees. Well, that simply is not true. Belgium went partially private, partially government in 1982. In 1983, the Netherlands, a mix of private and public. In 1987, England had a mix of government supervision and private sector employees. In 1990, a number of countries, Sweden, Norway, Finland, all went to a mix of Federal Government employees of those countries supervising private contractors.

I will not go through the entire chart, but Ireland in 1998, Portugal in 1999, Spain in 1999, France in 1993, Switzerland in 1999, Italy in 1999, Germany in 1992, Austria, I believe in 1994, it is almost impossible for me to read so it has to be hard for you to read, Poland in 1998. Virtually every country in Europe, indeed a grand total of at least 16 of them, has moved to a mix of private sector employees on contract with standards and supervision and training done by the government. That is the system that they have found that has worked the best.

Now, I have tried to describe that mix by saying that it is a mix of personnel, and this is another chart which shows that mix of personnel. It shows what the ratio of private employees to public employees is at each of these European airports. And I can pick any one of them and perhaps read it. For example, in Oslo, Norway, there are 150 private sector employees supervised by

20 public sector employees. In Amsterdam, there are 2,000 private sector employees supervised by a total of 200 government employees. And the ratios are shown all through this map. In Brussels, for example, they use 50 government supervisors to oversee a total of 700 private sector contract employees. In, for example, Helsinki, Finland, over there, you can see the ratio is 20 government employees, supervisors, trainers, law enforcement personnel supervising 150 private sector employees.

Pick any one of these airports and it is, as you can see, a mix. In Geneva, we see it is 50 private sector employees to 250 government employees. So they flipped the chart there. But it is still a mix, and I think that makes the point very clear. The average ratio, as the chart says, is 85 percent private sector employees supervised or overseen by 15 percent government sector employees.

I think it is very important to understand, then, that when we hear people tomorrow on the floor say, look, anyone who opposes the Senate bill is just being stubborn or just being rigid or just being anti-government employee or just being partisan, I hope that these facts, and I assume they will come out again over and over in the course of this debate, will help us understand that at least in Europe there is a mix similar to what would be possible under the House bill.

Now, I think it is very important to understand because under the language of the House bill, the Secretary of Transportation is not placed in a straitjacket. He or she is not told they must all be private sector. Indeed, they are told they cannot all be private sector. But they are also not told they must be all government employees. That discretion is given.

If the Secretary were to decide they must all be, for his or her satisfaction to do the job properly, government employees, then that would be permissible under the House bill. If the Secretary decides it ought to be a mix, as is the case throughout Europe, then that would be possible under the House bill. But, again, under the straitjacket of the Senate bill, that simply is not permitted. That discretion is not given. The Federal Government decides that issue. They decide once and for all, by gosh, it is going to be Federal employees no matter what. That is it. That will assure safe skies, and we the Congress know the right answer. The heck with giving anybody any discretion. The heck with assuring professionalism by training.

They have no more training in the Senate bill than the House bill. Pay. They have no higher standards for pay in the Senate bill than the House bill. Supervision. They have no more supervision of the actual screeners in the Senate bill than in the House bill. Certification of compliance with training. That is not done any differently or any better or any more stringently in the Senate bill than the House bill. It is just that they think that what matters

is where the paycheck comes from, and they think that what matters is that Congress ought to decide. I think that is wrong.

I think it is important to understand two more things in this trend while looking at Europe. Number of European airports with private security. I mentioned that there are 16 airports throughout Europe that have private security. Here is the trend. As I mentioned, it began in 1982 with one airport, it climbed in 1983 and all the way on up, and we can see by 1999 it had risen to 16 airports in Europe, I think the majority of airports in Europe who are a mix of government employees supervising private sector employees.

I also said that there were facts in this debate, and there are facts in this debate. It is not just bias or prejudice or philosophy or pro-union or anti-union, because I do not think those are the issues. Again, the issue is competence. And on the issue of competence, on the issue of what will best protect the American people, there are at least some facts that strongly support this structure, a structure where there is a mix of private employees supervised by government law enforcement personnel, as the House bill requires, and that is demonstrated by this chart.

This chart is a chart of the number of hijackings in Europe and Israel over time, beginning back in 1968, and it shows there were 8, I believe, in 1970, there were 4 in 1973, and on across. If we look at the red line, we will see that in Europe and in Israel, and I will talk about Israel in just a moment, in Europe and in Israel, as they have moved, beginning in about 1982, from a total government controlled system to a mix of government law enforcement supervision and professionalism and training and standards of private sector employees and away from mandating all government employees, the number of incidents has declined.

So the one really hard fact in this debate, what will make the skies of America the safest, is the fact that shows that at least in Europe and also Israel, where we have an airline that is probably the most targeted airline in the world, El Al, the airline that serves Israel, as we have moved from all government employees in the 1970s to a mix of contract employees supervised by government employees, the number of incidents has gone down.

Now, in this debate there was some discussion about Israel, and I mentioned Israel a few moments ago. I think it is extremely important to know that Israel has followed the same model as Europe. And that is to say in Israel there was a point in time when no private contractor was involved at all. The entire process was done by government employees. That system has been abandoned. The system in use now in Israel is a system which includes a mix of private sector contract employees supervised by government employees with law enforcement training.

It seems to me that when we look at the hard facts, when we look at the real issues here, it is fair to see that this is an honest debate. It is a debate which ought to go forward on the floor of the House, and it is a debate in which I hope my sincere and earnest colleagues on both sides of the aisle will understand there is no room for partisanship. There is no room for political attacks of who gets a political advantage or who loses a political advantage.

Indeed, I would hope the American people become enraged at anyone who attacks, one side or the other, saying, well, they are just doing this for philosophy or for political gain. I would hope the Members of this body have enough conscience and conscientiousness to put aside partisanship at this critical point in our country's history and ask themselves, what is the right way to do this job? How do we provide the American people, how do we provide my son and my daughter, or your wife and your husband, or your son or your daughter, or your sister or your brother the safest, most secure system?

I would argue to the depth of my soul that there is not just one answer. I would argue that anybody who says that there is just one answer and that just one answer is in one bill is wrong, whether they said that about the House bill or the Senate bill. The truth is at this critical point in America's history, if for no other reason than to honor the people who died on September 11 in the unspeakable horrors of those attacks, that we have a duty to look at these issues conscientiously, that we have a duty to analyze the facts, that we have a duty to actually read the legislation.

These are pretty short bills. They are not that hard to read. It is not that difficult to pick them up and leaf through them. The American people have the possibility and the ability to get on the Internet and to read every one of the bills that we will debate here on the floor of the House in the next few days. They can read the Senate bill that has been out for the past few days. They can see the good provisions in that bill on making cockpit doors more secure, on looking at the entire airport and trying to make it more secure. They can look at the House bill and see that we do in the House bill many of those same things. We make the cockpit doors more secure and more safe. We make airline travel safer. We provide for Federal air marshals.

But on this critical issue that seems to be dividing this body, I hope the American people will look, and I hope my colleagues will look at the key points of the legislation, and those key points are worth remembering. Number one, this debate is not about the current system or the current contractors.

I know that many of the contractors out there are doing a pathetic job. At my own airport at Sky Harbor Airport, there is a private contractor that has been fired because of their incompetence; not doing the job. Nobody, no-

body is defending the current system or arguing that we should keep it. The current system says airlines hire private companies.

Now, maybe that system could have worked, maybe it never could work, but it certainly did not work. Although it is fair to point out, and I have a column here by John Stossel, who says he does not think the right answer is to give this entire function over to the Federal Government. But it is fair to point out that as flawed as the current system is, give it to the low bidder, do not pay them competent wages, do not screen them, and he says it is important to note are we closing the barn door after the horse got out or are we just simply whistling past this whole issue?

The reality is there is no evidence, not one shred of evidence, that the attacks of September 11 occurred because the screeners at the airports let them get by, let the hijackers get by with something they were not allowed to bring on the plane. Indeed, the Federal standards which did exist at the time for what you could carry on the plane made a box cutter legal to carry onto a plane because it had such a short little blade.

So it is important to note that as bad as this current system is, and as certain that we are going to replace it that we are, it is gone, we will not keep that system, there is no evidence that it was that system that let those hijackers get on to the plane. The box cutter knives they carried on board were allowed, and they were allowed to bring them on board.

Now, it is also important to understand that it is not true that only these lousy private contractors make mistakes and only private contractors hire incompetent people or indeed criminals. Because John Stossel points out in his column, a recent column that appeared, that there was a recent government study which found that 150 IRS, Internal Revenue Service, that is Federal Government, seasonal workers had criminal records.

□ 2115

Now, I do not defend the private security companies who have done a terrible job of screening their employees. I do not defend them when they have underpaid their employees. I do not defend them or their records, and I think they should be gone. I will vote for either of these bills because they are going to get rid of this terrible system.

But do not make the mistake that only private companies and only these private companies make tragic errors. Here is the IRS of the United States, government employees, who hired IRS workers, also government employees, 150 of them, seasonal workers who had criminal records.

What about the issue of the government never makes a mistake. How about in my State where a National Guardsman was allowed to carry a gun in the airport, turned out to be a felon.

He was allowed to carry a gun. The question is not that the Federal Government or the private sector cannot make mistakes; the question is how do we ensure that the standards are set and enforced.

Again, we owe it to every American and every American business to create a system that will indeed protect all Americans. My daughter, my son, your daughter and your son, and your wife and your husband.

That system, I do not believe, is in the Senate bill. I urge my colleagues to log on and read it. There are problems in that bill.

Number one, the hijackers tried to slip into this country by using small airports. The Federal bill lets the Secretary delegate the responsibility for small airports to local law enforcement, but says he cannot do that for big airports. If it is not right in all locations, it should not happen in any location. But that is a flaw. Different responsibility at different size airports is a flaw in the Senate bill.

Accountability. The question of accountability is extremely important. We need professionalism, and people who do the jobs as professional. We need people who are trained and paid well. We need people who are supervised well and who are given the tools to do the job, not just at the metal detector gate that I went through today, but downstairs where bags go through.

The Senate bill and its defenders will be here tomorrow, and you have heard them say it can only be partisanship that causes people not to vote for that bill. The Federal bill leaves the accountability question of whether they have civil service protection, whether they can be hired or fired without a hearing and under what conditions unclear.

I do not accuse the Senate authors of that bill of having intentionally made either of these mistakes. I think they were sincere and doing their best; but it is the job of this body as well as the job of the other body to carefully scrutinize the words in these bills and to try to make them right.

The vague definition that I mentioned earlier, the question of does this new requirement of Federal employment extend to the people that clean the planes and bring food on the planes, to the mechanics or pilots, if the only way to make something safe is to be done by Federal employees, do we have to nationalize the airlines? I think the issue is professionalism and training and supervision, and indeed pay and competence. These are the issues that we ought to be looking at in this debate. On one there is a clear answer. I think giving a pure strait-jacket for the United States Congress in its arrogance to say not only do we want the safest skies, of course we should say that. But to say there is one way and one way only and that is by making them Federal employees is simply wrong.

The head of airport security in Belgium, who is the head of a European

task force on the issue of airport security, said as Europe privatized, he said as Europe moved from an all government employee system to a mix of private sector employees supervised by government employees, said that they had better luck and better success in having responsive employees under the mixed system.

Maybe that is not always true, but I think it is important that this is a gentleman who is responsible for airport security in Belgium; and it is a gentleman who headed up the task force that oversaw that. It is important to understand the one immutable fact in this debate, and that is that when Europe moved from an all-government employee system, and this is true of Israel as well, from an all-national government employee system to a mixed system of private sector employees and public sector employees, the number of hijackings declined.

Mr. Speaker, to conclude, I do not think there is any one right answer, but we have a duty to debate these matters objectively. We owe it to the American people, to the victims of September 11, and we owe it to our families.

CHILDREN WHO LOST PARENT OR GUARDIAN ON SEPTEMBER 11, 2001, MUST BE PROVIDED FOR

THE SPEAKER pro tempore (Mr. PUTNAM). Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 60 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, so many of us continue to feel the overwhelming impact that Americans felt after the horrific attack on America on September 11, 2001.

My colleague just finished a very extensive discussion and explanation of the agreements and disagreements as it relates to Federal security and the airlines. We will have an opportunity, however, this week to debate that question on the floor of the House, those of us who support the Senate bill and the Democratic substitute that we hope will be presented; and of course the majority will have an opportunity to present their ideas to the floor.

A couple of weeks ago we debated the question of how the President would respond to these horrific acts. Although the time was not long enough, we had the opportunity to debate the war resolution and the War Powers Act and to include Congress' voice and Congress' desire to have oversight as we send our men and women to foreign shores.

Shortly thereafter, we debated the question of bailing out airlines. In the aftermath of September 11, we were told by the industry that they were in severe distress. Although it was not sufficient time, we debated that question on the floor of the House and provided the airline industry with approximately \$15 billion.

I believe in providing an opportunity for these airlines to survive. This

evening Members will hear me talk about providing an opportunity for employees to survive. So I do not fault what we ultimately did with assisting airlines. I am hoping, having the responsibility of representing Continental Airlines in my hometown, my congressional district, I do believe that we must ensure that the access to commerce, the free movement of people is supported. We are hoping as we begin to secure the airlines and to pass legislation that will provide Federal security for our airlines, we will see the American people accept the comfort, if you will, of the safety of traveling and more and more will travel.

Just today we passed H. Con. Res. 243, expressing the sense of Congress that the Public Safety Officer Medal of Valor should be presented to the public safety officers who have perished and select other public safety officers who deserve special recognition for outstanding valor above and beyond the call of duty in the aftermath of the terrorist attacks in the United States on September 11, 2001.

I supported this legislation. I am gratified that the House had an opportunity to debate the valor of these public safety officers, the great thanks that we owe them, the firefighters, the emergency preparedness officers, the police officers and all others who worked those days in New York and Somerset, Pennsylvania, and Washington, D.C.

We debated on the floor of the House H. Con. Res. 233. I am delighted that we were able to support legislation expressing the profound sorrow of the Congress for the death and injuries suffered by first responders as they endeavored to save innocent people in the aftermath of the terrorist acts on the World Trade Center and the Pentagon on September 11, 2001.

We, in a very unified manner, supported this legislation. I am proud that the Congress took time to debate this and voted on this unanimously, almost, to the extent that Members were here. This is good legislation, and I support it.

Interesting enough, however, in the aftermath of September 11, 2001, I have not heard one full debate on the floor of the House about the children who suffered and are still suffering. Not one hour, not one moment has been debated and allowed for legislation that focuses on the loss of these children.

H. Con. Res. 228 dated September 14, 2001, sponsored and cosponsored by over 40 to 50 Members of the United States Congress, focuses on these children. It seems to me that a Nation that prides itself on the value and investment of children and recognizes that our children are our future, it seems to me that the House leadership is going astray, that they cannot find minimal time in all of the time for suspensions and other initiatives, to be able to bring to the floor of the House a resolution that acknowledges to America we care about our children.

This evening I am going to discuss the plight of these children and wonder why this House leadership in conjunction with the many Members who have signed H. Con. Res. 228, have not been able to bring this legislation to the floor. Let me read simply what it says: expressing the sense of Congress that the children who lost one or both parents or a guardian on September 11, 2001, World Trade Center and Pentagon tragedies, including the aircraft crash in Somerset County, Pennsylvania, should be provided with all necessary assistance, services and benefits, and urging the heads of Federal agencies responsible for providing such assistance, services and benefits, to give the highest priority to providing such assistance, services and benefits to those children.

It is a simple proposition. It simply acknowledges in the law that if a child lost one parent or two parents, either through the tragedies of those airplanes or anyone lost on the ground, that you would be prioritized for benefits that the Federal Government might assist you in securing. Is it a handout legislation? No, it is not. Is it legislation that throws aside other needy children, children who have been abused, suffering from child abuse and other forms of abuse, sexual abuse? Absolutely not.

It takes the bully pulpit of the United States of America and acknowledges this family. Acknowledges Mr. Calderon and the loss of his wife, Lizzie Martinez Calderon. Mr. Calderon is a bus driver in New York. Immediately after he finally concluded that Lizzie was not coming home any more, he realized he was a single parent, like many other parents in the United States of America, but with a connection to a horrific day, a situation where he could not tell his children where their mommy had gone. Little Naomi, 4 years old, and his baby son, 20 months old.

They were here in Washington with me because I felt it was important to bring this family here to show to the Congress that he is but one example of the thousands and thousands of children who have lost a parent or both parents. Children who waved good-bye early morning on September 11, 2001, children who were left at baby-sitters and day-care centers and schools, and parents never came home to see them.

This resolution is simple. It simply says we need to get a handle on the children who have lost parents and who have lost a single parent, and we simply need to help them.

□ 2130

This does not have anything to do with children who are in the system, who are being taken care of, who are suffering from abuse. I have heard that excuse as to why this legislation is not moving. But I simply want to point to this family, and I will point to them time and time again about this great loss that this family has experienced.

The tragedies of September 11, 2001, left thousands of victims from all around the world experiencing the devastation of the loss of a loved one. Those of us who have gone to Ground Zero, still seeing the seeping smoke, smelling the stench but most of all seeing the sense of loss, those of us who have seen the wall of honor, who have looked at those families, knowing they have come from places around the world and certainly those here in the United States, we realize that the words that the mayor of New York said are so close to our heart. Indeed, these attacks against all people and against all humanity are more than any of us can bear.

What do you think the children are experiencing today? What about the quagmire of red tape and bureaucracy as it relates to a variety of benefits that would provide them with assistance? This legislation simply wants to help the children. Specifically what it does is it works to provide them with the needed foster care assistance, adoption assistance, medical, nutritional and psychological care, such additional care or services as may be necessary. It seeks to help thousands of families like the Calderon family.

Let me talk a little bit about these tragedies. Let us just talk about these victims. Passengers and crew of Flight 77, Flight 11, Flight 93 and Flight 175, civilians and military at the Pentagon, thousands of civilians and rescue workers killed or injured at the World Trade Center, all of them, or many of them, left children behind. The children are what we are speaking about this evening. Let us begin to talk about the numbers.

One of the concerns that this legislation would be able to address, this sense of Congress, is to find out how many of our children are lost, estimates of children impacted. The estimates vary greatly. The reason is because we have not had a Federal presence to assist the local and State governments with being able to assess the number of children. Based on news sources, we understand there might be 10,000 children lost. Based upon a report in the New York Times, 15,000. We do know that 4,000 qualify as orphans under the Twin Towers Orphan Fund. One thousand five hundred children left by the 700 missing Cantor Fitzgerald employees alone. This is a tragedy. It is a tragedy that we must address. Four thousand orphans, between 10 and 15,000 children. H. Con. Res. 228 can help us solve that problem.

I am delighted that I see on the floor one of my colleagues who was an original cosponsor of this legislation, the cochair of the Women's Caucus, a strong and eloquent voice for the rights of women and children who realizes that this number, which will continue to grow, cannot be left unattended. What kind of Nation are we if we cannot even attend to the needs of these children? What kind of Nation are we if we cannot address the con-

cerns of the Calderon family? What kind of Nation are we if we cannot eliminate the bureaucratic red tape and help assist those many families? I am delighted to yield to such a fighter for children, the distinguished gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. I thank the gentlewoman from Texas for her leadership on this issue, an issue that she has garnered as the chair of the Congressional Issues on Children, especially the critical role addressing children and mental health. I am here to join her tonight in her efforts to try and push through H. Con. Res. 228 as it relates to our children, and especially the children who have been left parentless with either losing one or two parents.

I am really touched and heartened by the New York Times article today, "A Nation Challenged." Indeed, these are challenging times for all of us, given the events and the tragedy of September 11, but none that is more challenging than that of the children who have been left to try to carry on with either one parent or no parents left after this tragedy. I was reading about this young man, his name is Aidan Fontana, age 5, who lost his father in that tragic fire in New York. His father was a firefighter. This article continues to talk about the trappings of a funeral when his mother finally gave in to the notion that the husband would not be returning and she had the funeral just the other day. It states here that when this young boy, age 5, Aidan, looked out the window and saw the spectacle of a thousand firefighters saluting him, he said to his mama, "Mommy, I'll remember this day for the rest of my life." The mother said, "Good, that's why we did it." She was trying to bring some closure. But, yet, in the aftermath of this, the article goes on to say that he throws tantrums when it is time for bed, something he has never done before. That is where the whole notion of H. Con. Res. 228 comes into play, when it addresses the needs of these children. It talks about the foster care assistance. It speaks to adoption assistance. There are so many children, 15,000, as the Congresswoman out of Texas has so eloquently put on the floor. We are talking about medical care, nutrition and psychological care, educational services. Such additional care or services are necessary in light of this tragedy. I am so pleased that the Congresswoman has seen the need to bring such a critical and important piece of legislation to this floor, not just because of the Women's Caucus but that is indeed an element by which she has brought this resolution to us, and we have all embraced it, but it is because of this House speaking to and addressing this very Nation's tragedy, this challenge that parents now have before them, a Nation that has been challenged to try to address the needs of these children. And so as she spoke about the 4,000 qualified orphans under

the Twin Towers Orphan Fund, when you talk about the different children missing at the Cantor Fitzgerald employees alone, some 1,500, I say to her, keep bearing, keep pushing on. This legislation is critically needed. We know that the children of our Nation are suffering in many ways and in need of mental health, but this is another group that has been added to those numbers that indeed need the mental health assistance, the psychological assistance and the nurturing assistance of all of us here in Congress.

I urge my colleagues to join with me and all of the others who are original cosigners of H. Con. Res. 228 that speaks to, addresses, listens to and helps in the assistance of the children who have been befallen by the death of one or two parents. I thank the gentlewoman so much for yielding.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to applaud the gentlewoman for putting a visual face on this young boy through the article of the New York Times to really translate to this House what this legislation does. What this legislation helps us do, first of all, is to have a debate about children, how the children were impacted on September 11, but then it moves to the next step, which says this is going to be a long journey. Remember, the President said the war is going to be a long journey. But the pain and the hurt that will be impacting these survivors, and then these children, is going to be a long journey. The gentlewoman just highlighted what has been quiet, what has been hidden, what these now single parents and certainly as I indicated earlier, we know children across the Nation have suffered the loss of a parent. We know children across the Nation need foster care and need adoption. But we have never experienced this in our entire lifetime.

Ms. MILLENDER-McDONALD. If I might say to the gentlewoman, this is absolutely true. Many kids have lost their parents at an early age, some to illness and other catastrophic events. But this event has taken us not only by surprise, it has knocked us off our feet. Yet we have so many children who have been knocked off their feet, off their pedestal, if you will, of having a father to come home at night and tuck them into bed, of having a mother who is a flight attendant to come in after having circled the globe, if you will, from one end of this country to the other and then back home. We can think of the flight attendants whose husbands have talked about the loss of their wives. Yet they talk about now having to be the parent for the children. I say to the gentlewoman, this debate must be taken on this floor, because we must continue to raise the bar on the importance of attention to these children who lost their parent or parents on September 11.

Ms. JACKSON-LEE of Texas. I thank the gentlewoman. She is so absolutely right. The issue before us is long range. I would just simply refer to her, be-

cause I know that she is a parent. I know that in her legislative leadership in the State of California, certainly she was very active on education issues. We are told frequently in dealing with teachers, in dealing with the school system, there is some latent impact, if you will, on children who have gone through trauma. So we do not know how many months, years down the road we will be experiencing some of the impact of this particular incident through these children, as indicated by these findings. But what I want to say to the gentlewoman and I would like to yield to her for her response, the difference, I think, that will befall these children slightly different from certainly the other sad stories of children who have lost their parents, this is being repeated over and over and over again. This is going to be the discussion of Americans over and over and over again. Just yesterday, we were put on a high alert. We are living this. And so these children cannot put it to rest. They cannot get past this. They cannot heal. It is important for the Federal Government to take a public stand of being concerned about these children.

Ms. MILLENDER-McDONALD. I am reminded of the fact that when we both went to New York to Ground Zero, that the very able Mayor Giuliani said that they see 20 funerals a day. Just think of the 20 funerals a day that our children see on television or even being talked about by friends who were friends to their father or mother whose life was lost. Yes, in education, as a former teacher, I have seen children who have gone through different traumas. You would think that they have walked through and there has been some finality to it. But in a month or 2 months or even a year, it all comes back and they are back into the throes of a very imbalanced, they are just absolutely frustrated, confused, they cry. They do those things that get attention because they do not know what else to do given the hurt that they are bearing, that they are feeling because of the death of a parent. Just to think of these children who just in a matter of 30 minutes with the catastrophic thing that happened to the Twin Towers, their parent, one of their parents' or both of their parents' lives were taken. And so I challenge all of us to talk about and to get to the crux of the problem of how we are going to deal with these children who have lost their parent or parents, and who are now challenged with trying to continue on in their little lives with this type of traumatic mental and psychological issue before them. I challenge every one of the Members of this House to let us pass H.Con.Res. 228, let us debate upon it, and let us begin to start addressing the needs of our children.

□ 2145

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from California (Ms. MILLENDER-McDONALD) for joining me this

evening, and I appreciate very much her leadership on this issue. The gentlewoman highlighted some very important issues and particularly talking about the little 5-year old. What a sense of maturity for a 5-year old to say he will never forget this day and then to hear that he experiences these traumatic events at night, these kinds of episodes that he is experiencing. None of us are psychologists but we can imagine that he is going through something so tumultuous that he cannot explain it.

In fact, the National Mental Health Association has highlighted that very point.

War-related violence of the Bosnian war paralleled attacks of September 11, 2001. Again, violence, war-related violence on our soil.

Years after the war, teens, from the Bosnian war of course, still experience chronic depression, post-traumatic stress disorder and grief.

Children's normal grievance process interrupted. That, of course, is the process that we are talking about. We cannot bring closure if in the instances of many of these children the loved one's remains were not found. I mentioned the loss of 700 employees from Cantor Fitzgerald. I know this is tragic to say. Someone may be listening and so I do not want to emphasize it, but they were at a very high height, and so many of these families have not had the ability to grieve, and those families include children who have not had the ability to grieve.

In addition, as we said earlier, this goes over and over again. If New York is showing 20 funerals a day, if the media is recounting these episodes, if we are still talking about finding terrorists, all of this reminds the children of the fact that this incident occurred but that they lost their parent.

I am told that in the State of New Jersey in one city 25 dads were lost in that one community. If that is accurate, can you imagine the need for an emphasis of care there?

This resolution does two things. One, it allows the Federal Government to speak in one voice about the children. Secondly, it gives comfort and encouragement to State jurisdictions and local jurisdictions to formulate their own special task force that can assist the spiritual community, social service community in finding these families and guiding them through the process.

These families may not all need a welfare assistance. They may need the Social Security death benefit. They may need educational benefits, but they may not need the ongoing welfare system. I do not want anyone to think that all the families are alike, but I can assure you they may need the social services and to have the social service community focus upon their needs.

How many times I have spoken to parents who have gone through this traumatic event and they are just going through normal events, and they need the social service system.

I would be happy to yield to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, when the gentlewoman talked about this legislation and the need for the local and State to integrate their coordination of services to address the needs of these children and families, I am reminded of the fact that we will soon have the aviation security bill on the floor. The one thing that we have talked about with that bill, with the anti-terrorism bill and all of the bills that have come since the tragic events of September 11, we have talked about the local and the States services getting together, public health, other health, mental health, psychological health services, getting together in a coordinated effort to address the needs that is addressed in the various pieces of legislation I have just mentioned.

It is so timely now for us to bring about the same type of coordinating of services that addresses the needs of our children. It is really I think unconscionable for us not to have the children as part of this whole package of legislation that we speak to with reference to healing, trying to bring closure, trying to bring some sense of caring and some sense of assistance to the myriad of needs out there, given the September 11, but our children, the most important investment that we have, the future of this country, we cannot tarry any longer from addressing those needs that are outlined in this legislation.

So, again, I thank the gentlewoman so much for her leadership on this and for bringing this to us, letting us now include in that final piece of that puzzle our children, the need to address their psychological and other needs given the tragic events of September 11.

Mr. Speaker, I will yield back.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as I indicated, I thank the gentlewoman for her leadership. I think the working relationship between the Congressional Children's Caucus and the Women's Caucus has been a steady and ongoing friendship, and I look forward to us maybe collaborating on hearings, briefings that would bring families like Mr. Calderon, who I have had the pleasure of seeing and giving him encouragement, but maybe some more of these families can come and brief us and inform us as to what other services this whole community may need.

Again, it is New York. It is right here in Washington, D.C. I think we recall the fact that even children were lost on the planes, and I know that their parents are suffering.

We are speaking about children but I am reminded of the story of the little boy here from Washington, students, I guess there were more than one, going out for a special program out in California who lost their lives, but there are going to be a lot of children here, New York, Somerset and other places

because we have not accounted for the passengers who lived in different locations other than these places, and that is the concern that I have, have we reached out to all these.

So I look forward to us maybe collaborating so that this House can understand better.

Let me again reemphasize to the House what we are speaking about as it relates to this legislation.

Foster care assistance. There may be a need if a single parent is the sole bread winner now that foster care be temporarily in place, because that parent is not willing nor desirous of giving up that child. He or she loves the child but because of the tumultuous experiences that both have gone through in losing another parent they need temporary assistance. We need to ensure that that is prioritized and those children are in the system in an expedited process.

In addition to the foster care that they might be given, that because of these unknowns, that the foster care parent, family that they select has the special resources and support to help that child go through trauma while they are separated from their parent.

Adoption. I indicated that there were children who lost two parents, remaining at day care centers, remaining at baby-sitters, remaining at schools. Some of them are in homes of relatives, but that may not be the final place for them. It may not be a place where they can continue to live. We appreciate families and friends that have taken in these children, but this may not be the final place where they are able to be maintained.

Medical, nutritional and psychological care. There is no doubt this particular list points to teenagers, but we just heard a story about a 5-year-old who is experiencing temper tantrums. You just met Naomi, who is four and her younger brother, 20 months old, who are continuously asking even in my presence where their mommy was, calling out mommy's name.

How do you work with children unless the Congress, in collaboration with local governments, begins to ask the questions are there sufficient services like foster care assistance, adoption assistance, medical nutritional and psychological care and educational services? These children are going to be in our school systems all over the country. They are going to be in classes from preschool to kindergarten, to primary and middle school. They are going to be in high school and they are going to be looking to teachers and school guidance counselors and others. How can we help them if we do not have a sense of their need?

Additionally, we urge such agencies to maximize to the extent possible to take such steps to ensure that such assistance, services and benefits are provided within 60 days of the date of the determination of the death of the child's parent or guardian. That is a big step in this legislation.

What we are suggesting is we want these children to be out of the quagmire of bureaucracy. We want their needs to be addressed quickly and carefully. We would like these supporters, if single parent or relative or friends, who have these children right now, to be able to get in the social service system in the right way so that the stress is not overly emphasized.

It is very important that this Congress again speak to this issue. We had, as I indicated earlier, the Congressional Children's Caucus, a briefing on October 12, 2001, on the basis of moving this legislation forward. We had a briefing that would help to move the Congress' mind toward making sure our children are taken care of.

Cindy Freidmutter, Executive Director of the Evan B. Donaldson Adoption Institute in New York, spoke to the very issue of how to take care of these children. She noted that after September 11 the Adoption Institute proposed the permanency project to minimize further trauma and uncertainty in lives of children who lost one or both parents in the attack.

This project is needed due to the uncertain future faced by children who have lost their parent, parents or guardian. For many of these children, extended family members become decision makers and permanent care givers for these children. Some children, however, may not have a relative or a friend to assume parental responsibility and eventually enter the public welfare system. Other children find themselves moved from place to place and relative to relative.

We need to embrace such programs in order to be able to step in and provide the social service embrace that these children need. This resolution will help the Department of HHS, Health and Human Services, begin to interface with organizations like the one represented by Cindy Freidmutter dealing with adoption and establishing a permanency project.

It is important that as adoption is looked at for these children that included in the determination are new parents who can address the question of trauma. Again, I repeat the point, these children will be living through this day after day after day, month after month after month because we are living through this as we speak.

Terrorists are here with us as we have come to understand. The Department of Justice and the Attorney General just yesterday announced that we are on high alert. These children will be engaged in that. Their classmates will be talking about it, asking them about their mommies and their daddies, have they come home yet, and because of that, this legislation is needed. We need to ensure that this legislation asks those agencies to be able to move quickly.

Medical and nutritional services. Without a parent or guardian to provide regular medical and nutritional services, children face worsening situations.

□ 2200

That speaks particularly to those who may have stepped in now to help these children. As they have stepped in to help these children, they need support. The medical care covers the psychological care, and we do not know whether or not these children will face medical problems because of the stress. We do not know what the impact on little bodies and little minds will be, so it is important that we provide that kind of care.

According to the National Mental Health Association, children who experience such trauma are at extreme risk of mental disorders, particularly in situations such as this, where ongoing trauma exists due to the loss of parents or a guardian. For example, as I noted in the Bosnian war, we are able to tell that those children still are impacted. But even today, with the mental health crisis that we have in this Nation, we realize that less than the number of children that need access to mental health care get access to mental health care. In fact, that is one of our greatest tragedies in this Nation. We are not able to provide those resources. We do not have them in the schools. We do not have them in the communities.

That is why I have authored H.R. 75, Give a Kid a Chance mental health omnibus bill, to provide more community mental health centers in our Nation. But we do know that less than three-quarters of the children who need such care in America do not get the care. We have seen that during the months and years that we experienced enormous, terrible incidences of children using guns. Many of those children needed mental health services. So here we have a situation where a child is not themselves doing violent acts, but violent acts have been perpetrated on them by the violent loss of their parents.

I do not know how we can stay in this House and provide the assistance that the President asked for, fighting terrorists, which we all do support; I do not know how we can debate airlines, which we all do support, the airlines being bailed out, and we can now debate the security for the airlines; we all support that. My many friends who are on the airlines working, stewards and stewardesses, I am very supportive of them getting this assistance. We want the airline industry to remain strong, to get stronger, and to be part of this economy. But can we not have a debate and pass H. Con. Res. 228 to help the children of this Nation and the children that have experienced this terrible, traumatic event.

We need as well the educational services that this legislation focuses on. Clearly, children displaced from their homes, communities and families must be stabilized as soon as possible before further damage is done. The point being made is that many of these children may be moved from where they lived in order to stay with relatives and friends. They will be going into

new school systems, new schools, and they will be there lonely and by themselves without the support assistance. Why? Because we have failed to establish the Federal Government's caring about these children in order to encourage local governments, wherever these children may find themselves, in whatever States they may find themselves, to encourage these local governments to be looking out for children who are the victims, if you will, of September 11, 2001, by the enormous loss that they have experienced.

So educational services are very, very important. One of the most important factors in providing such stability immediately and in preventing further destabilization is maintaining the level of education that existed prior to the loss of the parents, or guardian. This resolution would help encourage again, the Department of Education to begin to design certain kinds of services, to even do research to be able to determine what these children will actually need in these schools, whether or not what we already have would be the appropriate, if you will, kind of training that the teachers should get and the appropriate kind of educational processes that these children can develop and flourish in.

How important it is to insist that the children have as normal a life as possible. That is what we are trying to get with H. Con. Res. 228. We are trying to get the Federal Government to put its official concern behind this terrible loss. When we have debated everything else, the economics, the war, we have debated supporting and encouraging and applauding and certainly offering our sympathy to those first responders who lost their lives, to those public safety officers who lost their lives, and I am gratified to have joined in that legislation, then do we not think it is time that we recognize the thousands of children, 10,000, 15,000, orphans already declared eligible as orphans under the Twin Towers Orphan Fund. Now we need to ensure that this is not short-lived, but, in fact, we have it in an ongoing time frame. It is very important to insist upon the children being considered important.

Again, I would like to point out why that is the case and why this resolution should be passed and what it does. It is very simple. It urges the heads of Federal agencies to give the highest possible priority to those children. It is noncontroversial. It merely prioritizes the delivery of Federal benefits currently available under Federal law. When can we pass legislation in this House where we are not going into funds that we really do not have. Some members of the Homeland Security Task Force, led ably by the gentleman from New Jersey (Mr. MENENDEZ), and I had the pleasure of working with so many Members, we realized that to secure this Nation, to secure it with the right approach, which I believe the Homeland Security Report issued last week by the Task Force excellently

presents to the American people on ways to safeguard this Nation. There are other issues that we will be addressing in the future, but it deals with the military and the health and public health system. It also deals with the military, as I said earlier, but also securing our borders. It deals with intelligence. But here we have an initiative that can be delivered to the children, benefits currently available under Federal law. It also urges such agencies, existing agencies to maximize the extent possible to take steps to ensure such assistance, services and benefits are provided within 60 days of the date of the determination of the death of a child's parent or guardian.

Does that seem too difficult, to be able to ensure that these children have a way of getting their benefits quickly? As I indicated, the Homeland Security Task Force recognized in its work that we would need financial assistance, some \$3 billion to begin the process of securing this Nation. I am gratified that one of the focuses that they had was the whole idea of the public health system to ensure that we had a public health system that was connected throughout the Nation, rural areas and urban areas, and as we look to ensure that public health system, it would likely include access to mental health services. All of that certainly is something that we will look to the future to do. It is a very excellent road map, guide for legislative initiatives, but can we not, before we even begin that long journey to ensure the safety of this Nation, again, go back to assisting our children. I am unaware of why this is such a difficult proposition, to be able to get the heads of Federal agencies to be concerned about these vital needs. I raise them again. The Calderon family needs to have foster care assistance if that is what the family believes they may need to utilize. I applaud Mr. Calderon at this point because he is taking care of his family. But he is an example of the needs of families. There are families that may need adoption assistance, medical, nutritional and psychological care, educational services and such additional care or services as may be necessary in light of this tragedy.

Let me speak to number 5. What we want to happen there, of course, is we want these communities to be able to assess what new these children need. This is new for all of us. We have never had war on our soil. And this is, in essence, like war. We do not know what additional services these children may need, what kind of school services they may need, whether or not they may need to have some sort of break in their educational career, if you will, and put in another system to help them get through the trauma. Again, we reemphasize the point that these children will live through this trauma over and over again.

Let me share with my colleagues some of the letters from organizations

that I have an enormous amount of respect for, with long histories in fighting for children's issues. Save the Children wrote, "We endorse the purpose of the resolution, which is to express the desire of Congress to provide immediate relief to the children who suffered the irreplaceable loss of parents or guardians due to the September 11, 2001 tragedies. On behalf of Save the Children, I am writing to lend our support for H. Con. Res. 228 which you introduced in the House of Representatives on September 14, 2001." This is from Kathleen Connolly, Director of Public Policy and Advocacy. "Save the Children applauds your efforts and recognizes the immediate needs of the children who suffered such a great loss as a result of this tragedy. We see this as an essential first step and hope that we can continue to build upon this initiative to meet the long term needs of children everywhere who have been affected by these tragedies and potential future events."

Child Welfare League of America, on behalf of the Child Welfare League of America: "I am writing to lend our support for H. Con. Res. 228 which was introduced in the House on September 14. We endorse the purpose of this timely resolution, which is to express the desire of Congress, which is to provide immediate relief to these children. We urge all Members of Congress to join you and the resolution's cosponsors in supporting this legislation." This is from Shay Bilchik, their executive director.

Orphan Foundation of America, on behalf of the Orphan Foundation of America: "I am writing to lend our full support for H. Con. Res. 228, which was introduced on September 14," and they too want the Members of Congress to pass this.

Children's National Medical Center has also sent its support on behalf of their organization to support H. Con. Res. 228, as "This resolution recognizes it is vital to prioritize the delivery of benefits and services already available under Federal law to children who have incurred these great losses in the World Trade Center, Pentagon, and Somerset County, Pennsylvania, and other places. Importantly, the resolution recognizes that the delivery of crucial services and benefits is sometimes delayed due to statutory or administrative delay, often leaving those in need waiting for relief. It is essential that the children who suffered such a great loss as a result of this tragedy not suffer again because of delayed access to needed services and benefits."

Let me emphasize this point. This is a very important point. Benefits are sometimes delayed due to statutory or administrative delay. This is why this resolution is needed. It gives, if you will, impetus to the engine of government to untangle the administrative red tape, untangle the statutory red tape, not to violate the law, but to

move forward on the benefits that these children may need.

The National Association of School Psychologists likewise are supporting H. Con. Res. 228 and they are writing on behalf of the National Association of School Psychologists. "I am writing to lend our full support for H. Con. Res. 228." If there was ever a group that has dealt with children and their needs, they represent over 22,000 school psychologists who work with families and educators to promote youngsters' healthy development and learning. This organization strongly supports public policy that meet the mental health needs of all Americans and particularly those of children and youth. We have already spoken to youth about the potential of the losses that these children will experience, the potential psychological impact that they will have, and that they may need a great emphasis on psychological services right here.

We have already heard about the National Mental Health Association has already said to us that out of the Bosnian war, we saw teenagers who had long term post traumatic experiences and stress that had to be addressed. I do not see how we can even expect not to see these kinds of impacts on the children who lost their parents in that terrible tragedy.

□ 2215

I hope that all of them will be made whole, and that they will again see joy in America and joy in their lives. I know there are loving relatives who will be reaching out to take care of them, many of them. But in instances where they will need foster care or adoption assistance or psychological care or different kinds of educational care, can this Congress not step up to the plate?

The American Academy of Child and Adolescent Psychiatry likewise is offering their support: "On behalf of the Academy of Child and Adolescent Psychiatry, I offer our full support for H. Con. Res. 228. The resolution recognizes that the delivery of crucial services and benefits is sometimes delayed."

Again, we emphasize that all Members of Congress should support this legislation. I thank Clarice J. Kestenbaum, M.D., president of this organization, for supporting this legislation.

This is crucial. Why we are delaying in the passage of this I cannot understand. I am gratified for the interest of the Senate, the other body, in its review of this legislation, and I do believe that we will have the opportunity to see this legislation passed.

I would hope that we will spend the next couple of days and weeks debating issues that will help the people who lost their loved ones; that we will spend time trying to help those who have been impacted even beyond the terrible violence of September 11, 2001.

I would like to add to my concerns the fact that this House has not brought forth legislation that I have cosponsored, and many others, the Gephardt legislation on the help and assistance for laid-off workers. The headline in USA Today: "Tough Times for Laid-Off Low-Income Workers."

"After attacks, the jobless rate climbs and assistance is harder to come by for America's working poor." This is a long article that indicates that Congress has yet not finished its job.

That is what I would say about what we owe families like the Calderons, who lost Lizzie Martinez Calderon, their mother. And there their dad is taking care of these two wonderful and beautiful children, children who I know will be loved so much by him and his family, though he indicated that he is here without many of his relatives. They need our help.

H. Con. Res. 228 is a legislative initiative that needs to be passed, and these laid-off workers need our help, as well. Can this Congress only talk about nuts and bolts and not talk about the human loss, the sense and the depth of the feeling that these families are having, having to take care of these precious children without any assistance?

Can we not encourage task forces where necessary, in areas where this impact is felt, that they begin to organize around assisting and providing for these children, making sure that the red tape, administrative red tape, the statutory red tape is not inhibiting or prohibiting the care and nurturing of these precious babies?

House Concurrent Resolution 228 is a simple proposition. It is a sense of Congress. It is a statement to the American people. It is a statement to those States where there is an impact from the tragedy of September 11, where there were so many dads possibly lost in one city, where 4,000 orphans were possibly created at the Twin Towers, where there are guesstimates of between 10,000 and 15,000 children who have lost a parent, guardian, or parents.

And yet on the floor of the House since September 11 we have not dedicated one moment to talk about our children and to pass legislation for these children, to encourage our Federal agencies, from the Department of Education to Health and Human Services to many, many others, to be able to talk about these children.

Health and Human Services has a whole department dealing with mental health issues. I believe they should be front and center in determining how we can help these children.

Mr. Speaker, as I close, let me simply say that I believe it is the obligation of this House to take some time to care about our babies and about our children. These children who have lost their parents, these children need our help, and we need to move H. Con. Res. 228 in order to help our children.

ON THE PASSING OF THE HON. JERRY SOLOMON, CHARLIE DANIELS, THE AIRLINE BAILOUT BILL, PROFILING, AMERICA'S BORDERS, AND BEING POLITICALLY CORRECT

The SPEAKER pro tempore (Mr. PUTNAM). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, I will start out by saying I take issue with the comment the gentlewoman made that it is about time this House paid attention to some of the needs of the people out here. What does the gentlewoman think the House is doing? Everybody in the House, Republican or Democrat, cares about the horrible losses that occurred in New York City, that occurred in the Pentagon, the economic losses across the country.

I think it is wrong for any of my colleagues to stand up here and imply that one side or the other is not taking the time to care about the people of this Nation. I believe every Republican and every Democratic Congressman, and I do not agree with all of them, but I can tell the Members that all in one way or another are committed to moving this country forward in some type of positive fashion.

Since the tragedy of September 11, I have not come across any Congressman that does not care about the children or the people who have been hurt by the consequences of that horrible, horrible tragedy. So I think it is important, and I think it is a responsibility of every one of my colleagues when they stand up here and speak and we address each other, that we acknowledge at the very beginning that Republicans and Democrats care about the needs of these people; and that while we may have debates, the fact that we have a debate should not signify that for some reason that means that people do not care about the people who have been hurt or impacted out there in any kind of negative fashion.

So I do take exception with that comment, and I hope the clarification later resonates from some of my colleagues.

Mr. Speaker, I would like to mention, with due respect to my good colleague, Jerry Solomon, who passed away over the weekend, Jerry was a remarkable man. He was a Congressman from the State of New York, chairman of the Committee on Rules, and served 20 years in the United States Congress.

He had a lot of guts. He spoke very eloquently on the floor. He represented his interests, the interests of the State of New York, the interests of the things that he believed in so strongly, veterans affairs and business issues that he was very well-versed in. He used to be an insurance agent.

His unexpected loss last week is a loss to this Nation. I want to send my deepest regards to his family. I hear his service is going to be tomorrow. I intend to attend that service, and will

represent my colleagues who cannot attend that. So our warm wishes and warm regards to the family of a very remarkable man who we all had the privilege of serving with in the House of Representatives.

Also tonight on Hannity and Colmes, the TV show on Fox Network, I saw Charlie Daniels, the country western singer. I can tell the Members, he was talking about this newest song where he talks about the flag, and the pride in the flag.

Charlie Daniels represents, in my opinion, a lot of people in this country. There are a lot of blue-collar workers out there. He is their hero. He is their singer.

I just wanted to say I hope Members get an opportunity, if they ever see him, tell him to stick to his guns, by gosh, because he is right. What happens is there is so much of this politically correct garbage going on out there: Oh, my gosh, look at this song, it is not politically correct because it may offend some group out there.

We need to move a little further away from political correctness and get back to realism. Charlie Daniels represents the views of a lot of people in this country. And how interesting, people who jump up and yell about his song, and they object to his song because at some point, through some type of interpretation, it might offend somebody, and therefore Charlie Daniels' song should not be allowed at some concert, those are the very same people that demand freedom of speech when they come up with a controversial issue.

I just wanted to pass on to my colleagues, if they get a chance to listen to Charlie Daniels in an interview, he obviously holds his own. I want to send a commendation to that song. I think it is a great song, and I think it represents a lot of the views across this country.

Tonight, for the main context of my remarks, there are a number of different things I want to talk about. First of all, I want to talk about the airline bailout bill. I am going to go into some of the promises and some of the thoughts that those of us who supported that bail-out bill have.

I am not the kind of person, Members can tell from my record, who is inclined for a government bail-out of any type of industry, but I felt some convictions about this, the need for the airline industry to stay afloat. Frankly, I felt some sense of betrayal this week by United Airlines, which has a large location in Denver, Colorado.

I want to visit a little about profiling, the need for profiling, who uses profiling in our society, and why I think profiling is an essential ingredient for law enforcement. Profiling is dictated by common sense, and every one of us in these chambers uses profiling every day in our life.

Why all of a sudden, when we talk about using profiling to protect the security of this Nation, to provide home-

land security for this Nation, to hopefully prevent another terrorist act, why all of a sudden should profiling then become politically incorrect? It makes no sense. I want to go into that in a little more detail.

I want to talk about our borders. Clearly we have a problem on our borders. We have 500 million crossings, 500 million crossings every year on our borders. Maybe we ought to consider a dramatic tightening of those borders until we can get control of those borders.

Some people said it is impossible to track those kinds of numbers. If we have a huge amount of numbers crossing the border and it overwhelms the operation of tracking, the only obvious thing, if we cannot upgrade that operation quickly, and obviously we cannot do that, we need to downgrade the amount of volume coming in. It is a pretty easy decision to make. I want to go into more depth on that.

I want to talk a little more, again, coming back to this politically correct thing and the challenges that we face in this war that we are engaged in.

We cannot fight a war being politically correct. We cannot be a nice guy in a war. In a war, the nice guy always loses. The nice guy never wins in a war. We have to be in the war, we have to be in there tough, we have to be tenacious, we have to strike horribly against our enemy. We have to hit our enemy so hard they swear they would never want to see us again, never want to ever cross our path again.

When we tiptoe through the tulips, we are not made to go to war. This country has a war, here. This is not some far-off imagination of ours, this is a war that struck us in our homeland. We have to strike a horrible blow to those, I feel like calling them a horrible name, to those cancers, and I professionalize myself here on the floor and will not violate the rule. That is not what my gut says to call those people who brought across the ocean this horrible act against our country.

The fact is, they started this war. They are the ones responsible for casualties and consequential or collateral damages that occur here. We do not owe anybody any apologies. The United States of America did not start this war. The United States of America did not dare somebody to come and destroy the World Trade Center Towers, or strike the Pentagon.

The United States of America was the victim in this war, and now all of a sudden even U.S. citizens, I begin to sense some are becoming apologetic, politically correct, saying we have the Ramadan coming on, do not bomb during their holy holiday.

Do Members think those people would not have set off a nuclear weapon in this country on Christmas day? If we think that, we are crazy. These people will do whatever is necessary. Remember, most of the Muslims, by far, the largest number of Muslims killed so far in this engagement were killed

by the terrorists who struck the World Trade Towers and killed 400 or 800, I forget the exact number, but it is in that range, of Muslims and people that practice the Islam faith.

That is where those casualties came from: They killed their own people. These people, these terrorists and bin Laden preached that they are standing up for Islam, and as part apparently of their interpretation of Islam they can go at will, at their choosing, at their timing, and kill other people of the faith. That is exactly what they did in New York City. That is exactly what they did at the Pentagon.

Now people are saying we should handle these people politically correctly? We should tiptoe through the tulips for these people? I will get into that in more detail, too. I anticipate having a full evening in this discussion with these topics. Let us go back and let us start with the airline bailout bill.

The airline bailout bill was about \$15 billion. We face a situation which the airlines in this country have never faced in their history. No airline in the history of airline aviation has suffered two crashes, two crashes caused by an act of terrorism that hit a domestic target; two targets, two airplanes, two sets of terrorists, and a domestic target and thousands and thousands of casualties. United Airlines and American Airlines both suffered that fate on the same day, September 11.

□ 2230

We all know the facts. We know what happened there. It brought the airline industry to their knees, but it almost brought them right on the verge of collapse. The United States Government for the protection of its citizens ordered that all airlines cease business for several days. And the consequences of that terrorist attack are obvious to all of us.

Today I flew in on a plane in Denver, Colorado. It was United Airlines plane, a 737. My guess is it had the capacity to hold 120 passengers, I guess. We had 10 or 12 passengers outside of the crew on that airplane.

The consequences of that act of September 11 are devastating to the airline industry. Now it has been devastating to a lot of us and to a lot of economic factors in our society. But this society of ours, this Nation of ours, the security of this Nation, the business of this Nation, the ability to move around in this Nation is very, very dependent on an efficient airliner service. So it is to the best interest of all of us that we keep the airlines, at least kept them from the verge of collapse.

Sure we ought to let the Adam Smith philosophy of the market take place. I am a big fan of Adam Smith. I think he is right. But there are appropriate times for the government to step in. I believed when United Airlines talked and when the other airlines talked to us, I believed, even though some of my colleagues debated on the other side of the issue, I believed that this money

would be well spent and that the airlines would exercise their responsibility in the utilization of this kind of money, and that the airlines would realize that they have a debt, not just to the stockholders as a corporation, but that they also have some responsibility to this Nation, that they too have to pitch in and be good neighbors. And a lot of those airlines did it, Jet Blue, American, some of these others, they have come, and they have risen to that responsibility.

What happened over at United Airlines? United Airlines has a chief executive officer which I think has run that airline into the ground. His name is Goodwin.

Well, Goodwin has been with United Airlines for 34 years. That is a lot of years of service. He has successfully done more to bring an airline to the verge of collapse than any airline executive I have known for a number of years. So over the weekend United Airlines decided because the capability of Mr. Goodwin to run United Airlines has been severely diminished by his own shortcomings, they decided they needed to pay the guy to leave. I want to give you an idea.

Some of the people who opposed the airline bailout bill said this money is just going to fatten the pockets of the chief executive officers. I felt, come on, give the airlines a break. Frankly, several of airlines, including United Airlines, froze the salaries of their executives. And I think that is good will that has been put forth by some of these airlines. But while they froze the pay of some of these executives, look at what United Airlines just did today.

By the way, I wanted to compare it. This morning I talked with a United employee in Denver, Colorado who had been with the company for 30-some years. Let us just call it 30 years. This particular employee was at the desk. I guess it is a ticket agent, an agent at the desk for United Airlines. This particular person was a 30-year employee over here to my left on this poster. Her retirement after spending 30 years with the airline is \$2,000 per month which is approximately \$65 a day. For the rest of her life she will receive approximately \$65 a day. That is her retirement after serving for United with 30-plus years.

Now, she did not run that airline into the ground. She did not help contribute to the near demise of United Airlines. Her service has been recognized throughout by the company itself. Now ironically, her retirement falls within two days of Mr. Goodwin's termination. Her time, her service with the company of 30-some years falls very close to the same time and service with the company that Mr. Goodwin's does.

Now let us take a look at what United Airlines, after receiving assistance from the Federal Government to help bail them out, take a look at what that airline has just done to terminate their executive that has put their company on the verge of bankruptcy. I call

it the United Airlines Bailout and then I move it over to Blowout after I saw this morning what the United Airlines has done for their executive.

They added 6 years of service to his retirement. Now, this employee over here spent 30-some years, 30 years and some months with United. When this individual was given a choice, frankly, 72 hours they wanted people over a certain time to retire, they did not offer to this individual to say, hey, we will move you from 30 years to 36 years. But they did it with their chief executive office. They went to Goodwin. Again, I want to stress how strongly I feel that Mr. Goodwin is where the buck stops. That is the individual who has brought this company to the verge of bankruptcy.

What do they do? They have given him 6 years added service. Although he did not work the 6 years, they will add it to his 34 years of service so his retirement treats him as if he had 40 years with United Airlines.

Now, what does that mean? That means that his pension will be \$500,000 a year. That is his requirement; \$500,000 a year for the rest of his life. What does that figure out to be?

Well, remember, my ticket agent over here that gets \$65 a day for the rest of her life and this chief executive officer who almost runs the company into the ground will be making \$1,400 a day. United Airlines agreed to pay him \$1,400 a day every day for the rest of his life and his work is done with United. He walked out the door. That is not all.

Take a look: 611,450 stock options have been granted to this chief executive officer. This is a company that my colleagues here, that the House of Representatives, the U.S. Senate, the President of the United States has sent \$15 billion to the airline industry and asked them to exercise responsibility in keeping their airlines above water and here is what they do: 611,450 stock options.

Now today those stock options are under water which means they have no value. But these stock options are for 10 years. So if there is any bet at all, if United recovers at all, imagine that every dollar of recovery that United has, his profit goes up \$611,000. Every dollar that that United stock moves up from this point through the next 10 years, if it moves at all, he will make in proportion \$611,000 for every dollar rise in that stock.

Now on top of it, it is not enough that United agreed to pay him \$1,400 for every day for the rest of his life, United felt apparently that Mr. Goodwin who almost took their company into bankruptcy, Mr. Goodwin was not being treated well enough, so they decided to get him severance pay. What is that severance pay? Well, we cannot get an exact number. We think just to get him to walk out the door, they gave him \$5 to \$7 million. Here is your check for \$5 to \$7 million, Mr. Goodwin. Thanks for almost destroying the country. By the way, here is your \$65

check, ma'am, for being a ticket agent at one of our counters for 30 years with United Airlines.

But it does not stop there for Mr. Goodwin. They continue to go on. Forty thousand more shares given to him on termination. So they give him \$5 million in severance. They say they will pay him \$1,400 a day every day for the rest of his life, and then on top of it because maybe his feelings have been hurt, the board throws in another 40,000 shares at today's values, another \$700,000. That is not all. They decide just to make sure that Mr. Goodwin's future is well cared for, he get his membership at the country club.

Tell me when is the last time they ever bought a dinner at the country club for one of these employees, for one of the United Airline employees that was not in Mr. Goodwin's office. So they agree to keep his membership in the country club. They agree to provide him with a company car. They agree to continue to provide his life insurance.

Give me a break United Airlines. Where do you think your credibility is when some of us stand up and we are willing to take the heat that contrary to our philosophy and our support of Adam Smith, we decide to go out on a limb on your behalf and every other airliners behalf to try to save the airline industry as a result of the tragedy on September 11? This is what we are beginning to find out. This is where some of this money is going.

Where is your credibility, United?

I was really disgusted, and that is a strong word, but that is how I felt this morning. It just was ironic that I happened to run into that ticket agent whose last day is tomorrow after 30 years and to see she is going to be paid \$65 a day for doing a good job for United Airlines, and then United Airlines turns around to the individual who has almost turned that company, and I would not be surprised if that company does go into bankruptcy, but to that individual who has almost driven that company into bankruptcy, they will pay him \$1,400 a day, \$5 million check on the way out, maybe a \$7 million check on the way out, \$700,000 for stock shares they just gave him that day. Go ahead. We will keep you in the country club. And, by the way, that car you are driving our there, we will pay for the car, the gas, et cetera, et cetera.

No wonder people feel there is some sort of class division in the country. No wonder people feel there is a little injustice. No wonder Congressmen like myself end up biting their tongue and having second thoughts about this airline bailout, and whether or not this money is really going where it needs to go, and that is to keep a healthy airline industry from collapsing through the floor as a result of acts of the terrorism against this country.

Let me move on from my dismay with the way that United Airlines has handled this situation and talk about profiling.

I think profiling is a pretty interesting subject. Recently I have heard politically correct shows and some of my colleagues here on the floor, do not dare reach out and profile people at the border. Do not profile people on the street. Profiling should have no place in law enforcement.

Yes, it is pretty ironic to hear that kind of argument. Profiling is used at every stage of our life. Everywhere you go. Everyone on this floor uses profiling. We use profiling in our own campaigns. We go out to our district and we have experts that come in, we have polsters that come in and they say, all right, in this age group, 18 to 23, we know this percentage of these people are going to register and, of the registered, these percentage of people are going to vote; and that percentage routinely is pretty low in your district. But over here that age group, 45 to 50, and they may be white male, they may be Hispanic, Irish, whatever it is, they tend to go along more with your issues. They have a much higher voter turnout. So we want you to target this age group. Do not go after the age 18 to 21 because there is not a high enough percentage.

They will tell you, go after the white male or the single parent or the head of household or the person that brings the income in, the income earner. They are very targeted. They profile in our own campaigns; and every one of my colleagues has been the beneficiary of this kind of profiling.

We use profiling with insurance. We know, for example, that if you have a young man who is between the ages of say 16 and 23 that that individual is more likely to drink and drive, more likely to drive a car at a high speed and much more likely to run a stop sign than somebody that is 45 to 50 years old. And as a result of that kind of profiling, we can determine where our higher risks are and we can adjust for that in regards to the insurance premiums that we charge.

So we use it in our campaigns. We use it to determine insurance. We use it to determine risks. We use it in schools, our testing mechanisms. We test and we profile. We profile in our school neighborhoods. We profile to see which particular segment of population, whether it is a white at certain poverty level, whether it is black, whether it is mixture, whether it is geographic location, et cetera, et cetera, we put a bunch of factors in there so we can determine which kind of education will get the best results and be the most benefit to that particular profile group.

So we use profiling for campaigns, we use profiling for insurance, we use profiling in our educational institutions.

Do not let the newspapers who run these editorials, some of the liberal newspapers in this Nation, who run editorials about profiling and how bad profiling is. Man, talk about hypocritical.

□ 2245

Take a look at that newspaper and see what kind of profiling they do, what kinds of marketing they do to figure out where their advertisers are, where their market is, who is going to buy their newspapers, who reads the sports page. Any newspaper in this country will tell you very accurately what percentage of their readers read their editorials, what percentage of their readers read the sports section, which is the most read page in the newspaper, what age segment reads the sports section. They probably do not have a lot of people 70 and above that read the sports section. They may read the social page. But they know between about 12 and, say 35 that that is their main focus in a newspaper.

Newspapers profile. They have very dramatic profiles. It is smart business. Of course they do it. No matter where we look in our society we see profiling. Even sports teams, they profile. They know who goes to their games, they know who buys their tickets and who to appeal to. They know where to place their advertising. Even in recruiting their athletes, they know which areas are more likely to produce a better athlete than other areas. They use this profiling extensively.

So, for God's sake, why do we not use profiling to protect the national security of this Nation? Why are some people out there saying the politically correct thing to do is, well, all in all we better not profile at our borders, we better not stop somebody who is suspicious just based on the fact that they, let's say for example they are Arab, come from the Islam faith and come from a particular age bracket. Listen, we know those statistics. We can develop risk statistics from profiling.

Now, obviously, I do not support, and I do not know any of my colleagues on this floor, not one Democrat or one Republican, that supports profiling based solely on race. That is discrimination. Nobody questions that. We ought to have zero tolerance for that. In other words, we should not just go and say, hey, that individual is Irish or that individual is black so they must be a suspect. We only take that so far. I mean if we have a bank robbery and the description, the profile, of the bank robber is a white male between 19 and 24, why would we be in the black neighborhood interviewing black people to see if they were the bank robber? Clearly, at some point, we begin to profile. But that is one of the factors.

I do not want my colleagues or anyone to be drawn into signing a statement or acknowledging that, look, profiling has no place in a war against people that want to tear our guts out, against people that killed thousands and thousands of people at the New York World Trade Center, or over here at the Pentagon where they killed hundreds of people. We ought to use every weapon we have against these people.

We ought to be prepared to use whatever method, whatever weapon, whatever energies we have to win this battle. We cannot afford to be the nice guy here. Oh sure, war has kind of a parameter of what should be done, but the fact is that in that spectrum there is a lot of horrible things that happen in a war.

I wish we could avoid this war. I do not know anyone out there that wants to be engaged in the war we are in. I do not know anyone that chose to have us get into the predicament that we are in today. Maybe there are some out there, I hope not, but I do not know many people out there that think we had this coming. This is a war that was brought upon us. The United States did not strike out against anyone. Thank goodness we are too great a Nation to do that. We do not do those kinds of acts of terrorism. But when somebody strikes at the United States, the kind of blow they dealt us on September 11, and we have felt every hour and every minute and every day since September 11, we need to strike back with a horrible, horrible swift sword.

Now, there are a lot of people out there that are counting on the fact that the United States of America might be too timid to strike back and that the United States of America just does not have the resolve to strike hard, that there is going to be a little pretend bombing over here, hit a soft target there, and a soft target there and declare a victory. Well, thank goodness we have an administration that in my opinion is not going to go by that playbook. This administration, in my opinion, George W. Bush, Cheney, Rumsfeld, Condoleezza Rice, these people, they understand we are engaged in a war.

We cannot stop a war for the holidays. The Taliban would not stop for us. The Taliban wants one thing: They want every man, woman and child in the United States of America destroyed. They do not want to save the children of the United States. They do not want to avoid the loss of children. They do not want to save Muslims in the United States of America. They do not want to save the people of the Islam faith in the United States of America. They want to destroy them simply because of the fact that they are in the United States of America. You can take that to the bank.

Take a look at what happened at the World Trade Center. There were many people of the Islam faith that were destroyed and their families destroyed through the consequences of these actions. We had many Muslims that may not even have been of the Islamic faith that were destroyed, that were killed. They were slaughtered in New York City. So do not give this Taliban or ben Laden any kind of badge of courage. Do not give him any kind of credibility because you think they fight with honor. They do not fight with honor. They fight with cheap shots. They would just as soon gut you in the back as to fight you face-to-face.

That is the kind of war we are engaged in with these people. This is a tough situation that we have. We have to use the weapons and the tools that are available to us. There is a vast array of those, but the one I am focusing on here is profiling. Again, let me reiterate that profiling based solely, and the only reason to do it is to discriminate, we do not tolerate. That is not what I am talking about, and I do not know anyone who supports that.

But let me just say that we had 19 hijackers. Of those 19 hijackers, 19 of them were Arab. Of those 19, they were all within a certain age range. Of that, they were all male. All 19 were male. Of that, they were all active in this fundamentalist Islam faith. Not representative, by the way, of the general Islam faith, but active in a fundamentalist, corrupted, perverted view of that. So we can begin to put a profile together and we ought to be looking at people who fit in that category. If there are people that fit into that kind of category who attempt to cross the borders of the United States, we ought to pull them aside and ask them some questions. Obviously, we ought to detain them. Of course we should refuse them entrance into this country if they fit within certain risk factors. We would be crazy not to.

Let me reiterate that this kind of profiling is used in every stage of our life, even when we are born. What happens when a baby is born? They figure out how much the baby weighs, they figure out what the race is, they figure out if the parents are married. They send all this information in for statistical gathering. That is how we can determine, for example, in parts of the country, where we have a lot of unwed mothers. We profile unwed mothers. We go in and say, why do we have so many unwed mothers. Why do we have such a high level of teenage pregnancies. We profile it. We go out and figure out, okay, what can we do to alleviate teenage pregnancies like we have. We put it to a beneficial use.

My premise here this evening is that we can put to a beneficial use for the protection of the national security of this Nation profiling. So do not run away from it when a discussion is had on it. And my colleagues will hear about it back in their districts. I was asked the question, and when I started with my response, the reporter that was talking to me said, boy, you are taking on a hot potato. Do you really want to go into this kind of detail on profiling?

Do not run from it. We have to use it. My problem, again coming back, we cannot take this so-called theory of political correctness from the far left liberal side of the spectrum and let that determine whether or not we are going to use that tool to protect this Nation's security. The question here is can we reasonably and in compliance with the Constitution of the United States profile and use it as a weapon of our choice and a weapon for our ben-

efit? Absolutely. The answer is absolutely yes. And every law enforcement agency in this country ought to use profiling as a tool for their assistance.

Again, do not let people try to drag you into, well, you must mean race profiling, or you are out to go and get the Irish or the African Americans. That is not what we are talking about. That is a nice side show, that is a nice diversion, but that is not the focus here. The focus here is the security of the United States of America. The focus is what tool do we have that we can use, and that is why I feel so strongly about standing up when we participate in discussions on profiling to tell the other side of it. Tell why it is important.

Take a look in our society and have discussions about where we use profiling and the benefits of profiling, because there are a lot of benefits of profiling. We have huge benefits, particularly if we profile and one of these people shows up at our borders and they fall within that risk category, and we are able to stop an act of terrorism. We have plenty of evidence to do it.

By the way, most countries use profiling. Regardless of how wide you want to use it, a lot of countries are using racial profiling. They use whatever profiling they darn well feel like using. I am not saying we should stoop to that, but I am saying that it has proved to be an effective weapon.

They stopped the bombing of, I think it was a Swedish airline about 15 years ago. A lady walks up and she fits into the category because she bought her ticket with cash. Bing. One element of the profile. She had no check-in baggage. Bing. She is going here with no check-in baggage, and she was going transcontinental. So they asked her where she was going. She said my destination is here. They said, we know that, you bought the ticket. How long are you going to stay there? Oh, three weeks. She has one little tiny bag, no check-in bags. She falls within a certain age that they know they have had problems with. Bing, bing, bing, bing. This profile begins to set itself up. It alerts them, so they ask her some more questions, this and that. All it does is bring up more red flags. Then they search her. Guess what they find? When the suitcase is emptied and they weigh it, it weighs more than an empty suitcase should weigh. Sure enough, they find a false bottom and it is filled with high-level plastic explosives intended to blow that airline out of the sky.

We better profile. It is to our benefit and to the benefit of this Nation's security. It is to all our benefit, no matter what background we are, to go to war with every tool that we can use.

Now, let me move on very briefly and discuss our borders. I want to give some statistics that I think are pretty interesting. Our borders are crossed 500 million times a year. Five hundred million times a year through 300 checkpoints we have people coming across those borders. Now, the largest number

of people coming across the borders are tourists. The largest number by far, 99.9999 percent of the people that come into this country come in with good intentions. So how do we focus on that very, very small percentage? How do we get our sights on that very small percentage with the minimal impairment to the larger percentage while still accomplishing the security for the national interest?

It is a tough job. Just imagine trying to track 500 million crossings a year. I am not sure we have the technical capability. We certainly do not have the technical capability in place today to do it. Maybe we will have that technical capability within a few years, but not today. So the question comes up, should we continue to let the 500 million crossings occur every year or should we begin to clamp down on who comes across that border?

Now, I have a basic test, a litmus test, as to how to come across that border. My feeling is that I ought to treat it like somebody who wants to come into my house. When somebody knocks at the door of our house, rings the doorbell of our house, we look out the peephole. In other words, we do not allow them to come in right off the bat. We size them up, kind of profile them, look at them. We say, maybe we should ask this person a couple of questions. Then we may open the door but still not let them in the house yet. If I know them, I welcome them in. If I feel comfortable with them, I welcome them in. If they meet certain standards, I welcome them in. Obviously, if they fit the profile of a newspaper delivery person, and I know the person and they come by every time of the month about this period of time to collect a fee, I let them in the house and I give them a Coke or a Pepsi or something.

So what we ought to do here is look at our borders. I think for a temporary period of time we have to really clamp down on our borders until we begin to make significant strides in regards to this war. Right now that percentage of people that wants to do significant harm to the United States of America has grown rather dramatically. As we know, this United States of America is now under a national alert for an act of terrorism.

□ 2300

Mr. Speaker, I can tell Members that the likelihood of that act of terrorism, we can go ahead and put together what that group would look like. Number one, they probably are not native born United States citizens. Number two, they probably have come across the borders in the last year or two. Number three, they probably had a background that if checked significantly, we would find that these are not the kind of people that we would want to let in our house or country.

I am not saying close the borders. That is not what I am saying here. Almost all of us are beneficiaries of the

immigration policy of this Nation. I am saying in order for the immigration policy to work, we have to have rules of the game, and we have to enforce the rules. When we have somebody who violates the rules, we cannot let them continue playing the game if they are going to continue to violate the rules. You have to have enforcement of the rules and enforcement of immigration policy of this country.

Clearly if there has ever been a demand for enforcement of the policy currently in existence, it is right now. We have 3 or 4 million people a year come across our borders on visas, and they stay after their visas expire. Three or 4 million people a year stay in this country even when the rules of the game say you have stayed all you are allowed, now you have to go home. It is similar to a guest coming to your home for an hour for lunch, and pretty soon they are intending to spend the night.

The INS is doing a good job, but the reality is that the INS has two things they have been trying to do. One is to keep foreigners from turning into illegal U.S. residents. Two, to investigate domestic crimes involving foreigners. As quoted here, keeping track of foreigners' whereabouts in this country was not considered anyone's job. We have allowed these lax policies for much, much too long. It makes a lot of practical sense that one of the tools and one of the weapons that we can use in this war that we are engaged in is to tighten our borders.

That means the utilization of profiling. That means if somebody has a student visa, that we require that university confirm that person's presence, we set up a tracking system. That means that we start saying no to people. It means that we start getting numbers of people that we allow across our borders so we can manage. There was an ad, I do not know if it is still running on television or not, but some people set up a business on the Internet. They are waiting for their first order. They are worried. They have put in all of this investment, and all of a sudden order number one comes in. That is not much, but at least we got one order on the first day of business. All of a sudden 2, 3, 4. All of a sudden a hundred orders come across. They are smiling and happy. All of a sudden it does not stop and it goes to 1,000 orders to 10,000 orders to 100,000 orders. They are in panic. We cannot possibly manage 100,000 orders. We cannot manage it.

Mr. Speaker, the same thing is happening on our borders. Most people in the world dream of coming to the United States of America. A lot want to live here. It is the only country in the world where we do not have a problem keeping people. We cannot open the borders in such a way that the numbers are so huge we cannot manage them.

Today that is exactly where we are. We have so many people coming across the borders that we cannot manage it.

We need to reduce those numbers so that it is at least manageable. So that we know that people that come across our border, those 3 million people that currently every year come across the border and do not go home when they are supposed to, that we can begin to develop management tools to fill that gap. That is one of the weapons we can use in our war against terrorism.

Mr. Speaker, I know it is not politically correct to talk about we had better cut down on our immigration. I know it is not politically correct to talk about tightening our borders, but we got a real dose of reality on September 11. We woke up in the morning leading a normal life, and those of us fortunate enough to be alive at the end of the day got a real wake-up call.

We have to change our management practices, and one of the management practices we have to change are our borders which have become unmanageable. There are other things we have to change. You notice people agree across the board that we have to change the check-in procedure and security at our airports and nuclear facilities. Members will notice that Secretary Mineta today ordered no flying of aircraft by nuclear plants, et cetera, et cetera. We are changing our management practices. We need to change our management practices in regards to these immigration policies.

Now the President, of course, has taken the lead on this. Yesterday the President talked about student visas. We have a big problem with student visas. We have a lot of people who never show up at the schools. Student visas have kind of become the popular tool of choice to get into America, and then not have to worry about being held accountable to anybody.

Frankly, we have some universities, institutions of higher education, that depend very heavily on student visas because of the tuition that they charge foreign visitors. Those golden days will have to come to an end, despite the lobbying up here on the hill to leave student visas alone. We ought to stop the abuses, limit the number of student visas that we grant until we can get a management grasp on it. That is what I am asking for. Get it in our control.

I think we should quit hesitating about what we do allowing students of countries that mean us harm. Do you think we ought to allow students of Libya or some of these other countries, Iran, Iraq, to come into this Nation? Should we educate them and train them how to fly planes? There are a lot of foreign students taking airline pilot instruction courses in this country as I speak this hour. We should not be ashamed of saying no to some people, and we should not be so worried about being politically correct that when we see someone from a country that is listed as a terrorist country, we ought to have enough guts to say at the border, You are not coming over here for your education and taking the benefit of our society to later on down the road turn against our society.

The National Journal, October 27, 2001 reported on a bill over on the Senate side which will require the airlines to submit their international passenger lists to the INS in advance so names can be run through the agency's look-out system.

Well, today most airlines voluntarily submit those lists. Today most airlines, notice I say most, voluntarily give their list to the INS to see if there is anybody on that list that is on a suspect listing or on the look-out system.

□ 2310

Guess which airlines that fly into the United States refuse to turn their lists over to the INS? Egypt, Jordan, Kuwait, Pakistan and Saudi Arabia. My response to that is if the airline coming out of Saudi Arabia, if the airline coming out of Kuwait, if the airline coming out of Egypt, if the airline coming out of Pakistan does not want to give us the list of their passengers that are flying into the United States of America, landing in an airport in the United States of America, to be dispersed once they get off the airplane into the cities of the United States of America, we should not allow those airlines to land in the United States. We are not asking too much to go to these airlines and say, we want your list. We want to know who you are bringing into this country. Is that asking too much? I do not think so. Just another example of sloppy management.

I want to commend the President. Yesterday he made comments about the tightening we need to take on these borders. He talked about student visas. The President and the administration is on the right track and he deserves the support of the United States Congress.

Let me move on to some final points I want to make, and that is about the battle that we are engaged in. I notice in the last week, there has been a lot of publicity about, gosh, maybe we're stuck in Afghanistan, maybe we're not accomplishing militarily what we hoped to accomplish. You know what people are doing, we are comparing the first few days. We controlled all the airspace over Afghanistan within 3 days. It is always when you go to pick fruit, at least when I picked fruit, when somebody hired me especially to pick fruit, I always filled my basket. The easiest time to fill a basket was when I first got to the tree because that was the fruit that hung the lowest. That was easy pickings. So the first couple of bushels came real fast. But when I had to get to the third and fourth bushel, it took a lot more work. It was not because I was bogged down in the apple tree, it was because of the fact you had to exert a little more energy. You had to climb up into the limbs, you had to reach out, you had to hunt those apples. You did not have four or five apples hanging where you could just put them right in the basket. You had to get up in the tree, you had to reach,

you had to move the limbs to find them. That is exactly what we are engaged in right now. Do not try and urge the President to stop this war, or to slow down this bombing for some holiday that these terrorists would use simply as a shield to rebuild, take a fresh breath and recoordinate their strategies. We have got to go after those guys and gals that have instigated such horrible damage to this Nation. Actually the worst thing we can do and the best thing that could happen to them is for American people to begin to lose faith in the military effort that our administration is carrying forward. These are not tough warriors when you are able to get them out of their caves person to person. We will destroy them. There is no question about it. If you got them out of their caves, you got them in an open field, we destroy them. There is not even a contest there. Some people think that these Taliban fighters are supermen. They are not supermen. They have emotions. They are susceptible. I would much rather have our weapons than have their weapons. The fact is we have to locate them. They have extensive cave networks. They hide in the mosques. They hide in the schools. They move their weapons so that if you try and get them or their weapons, you have got to kill some of their civilians. That is exactly the kind of strategy they are using.

There is one other strategy they are using against the United States. When it comes down to it, they do not think the United States of America has the resolve to go after them. They think all they have to do is take a couple of Americans, capture them, skin them alive, torture them, send their bodies back in body bags and that the American people will lose their resolve to win this war against terrorism. If that happened, it would be the greatest military victory probably in history for an organization like the Taliban. It would be a huge defeat for the United States of America, because you are not eliminating the cancer. The Taliban is a cancer. If you do not get rid of that cancer, it will come back and it will come back in a harsher form than you ever believed it could return in. We have got to destroy the Taliban.

Last Friday, I think, in the Wall Street Journal, Senator McCAIN, our colleague, wrote an excellent article about victory, victory in a war. This is a war. I would suggest to my colleagues, read this article. It is excellent. It talks about that war is dirty, that the consequences of war are horrible, but Winston Churchill once said, the only thing worse than war is losing it, and that is exactly what we face tonight. The only thing worse for us than this war that we are currently engaged in is to lose it. Do not try and urge our Armed Forces to lay down their arms until the job is finished. Support the administration until the job is finished. The President stood right here on this floor, right here at this podium,

and he told us and he told the American people, this battle will be a long battle. This battle will be an intense battle. But that we have hereby resolved that we will eliminate terrorism, that we will fight this war. And so 4 weeks into it, I see some commentators saying, gosh, are you spinning your wheels? Are you stuck? How come we haven't wiped out the Taliban? How come you haven't found that miserable little guy in this cave somewhere? Give me a break. These are the very commentators that ought to drop that type of comment and ought to be saying, what can we do to help? This is our country, too.

I heard a commentator the other day that said, we have responsibilities in the media, to remember that yes, we are Americans, but we should not let that take away from the point that we should be a neutral party and that our obligation is to report the news. It sounded as though if you are a journalist, that you have a higher calling than being an American, you have a higher calling and that is of a journalist. And if it means that you leave the auspices of sanctity of your country to complete your job, that is the necessity of being a journalist. I could not disagree with that respected journalist more.

I do not care whether you are a journalist or a Congressman or whether you wash windows or drive taxis, America comes first. Your country comes first. Your obligation is not to your profession, your obligation is to your Nation. You need to stand for your Nation. We need to support our administration, and obviously our military troops, to carry out this mission until we win. Not until the Ramadan holiday starts. That was not a part of war. We need to carry this mission out until we destroy the enemy, until we cut their heads off, until we are so savage to these people, so horrible to the enemy that the enemy will never again have a future under which they would consider attacking the United States of America. The price that they will pay has to be so high that they never ever again want to be in that war. That is what we have got to do. We have a mission. Every citizen in America has this mission, and, that is, your country comes first. The values and the principles of America have never been matched in the history of this world. Never has there been a country as great as our country. Never has a country done as much for the poor people of the world as the United States of America. Never has a country gone to more aid and assistance and gone to war across vast oceans to help friends. Never has a country contributed more to health care, to education, to industrialization than the United States of America. The United States of America does not deserve what occurred, what has happened. But the United States of America must accept the fact that it has happened and that the United States of America must respond with a

horrible, horrible sword, because anything short of it will make you think of what Winston Churchill said, and, that is, the only thing worse than war is to lose it. For our generation and for all future generations, we cannot afford to lose this war.

□ 2320

CONFERENCE REPORT ON H.R. 2311,
ENERGY AND WATER DEVELOPMENT
APPROPRIATIONS ACT,
2002

Mr. CALLAHAN submitted the following conference report and statement on the bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes:

CONFERENCE REPORT (H. REPT. 107-258)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2311) "making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, 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, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, \$154,350,000, to remain available until expended: Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein to continue preconstruction engineering and design of the Murrieta Creek, California, flood protection and environmental enhancement project and is further directed to continue with the project in accordance with cost sharing established for the Murrieta Creek project in Public Law 106-377: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use the feasibility report prepared under the authority of section 205 of the Flood Control Act of 1948, as amended, as the basis for the Rock Creek-Keefers Slough Flood Control Project, Butte County, California, and is further directed to use funds appropriated herein for preconstruction engineering and design of the project: Provided further,

That in conducting the Southwest Valley Flood Damage Reduction Study, Albuquerque, New Mexico, the Secretary of the Army, acting through the Chief of Engineers, shall include an evaluation of flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies regarding the frequency of flooding, the drainage areas, and the amount of runoff: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct studies for flood damage reduction, environmental protection, environmental restoration, water supply, water quality, and other purposes in Tuscaloosa County, Alabama, and shall provide a comprehensive plan for the development, conservation, disposal, and utilization of water and related land resources, for flood damage reduction and allied purposes, including the determination of the need for a reservoir to satisfy municipal and industrial water supply needs: Provided further, That using \$1,000,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct a comprehensive watershed study at full Federal expense to provide a framework for implementing activities to improve environmental quality of the Lake Tahoe Basin and the Secretary shall submit a feasibility level report within 30 months of enactment of this Act: Provided further, That Appendix D, Chapter 5 of Public Law 106-554 is amended in the last sentence under the subheading titled "General Investigations" by striking "a cost shared feasibility study of" and inserting "planning, engineering and design activities for".

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), \$1,715,951,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104-303; and of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 12, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock and Dam 3, Mississippi River, Minnesota; and London Locks and Dam, Kanawha River, West Virginia, projects; and of which funds are provided for the following projects in the amounts specified:

San Timoteo Creek (Santa Ana River Mainstem), California, \$8,000,000;

Indianapolis Central Waterfront, Indiana, \$9,000,000;

Southern and Eastern Kentucky, Kentucky, \$4,000,000;

Clover Fork, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Floyd County, Martin County, and Harlan County, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, Kentucky, \$15,450,000; and

Lower Mingo County (Kermit), Upper Mingo County (including County Tributaries), Wayne County, and McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project, \$5,900,000:

Provided, That using \$1,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to modify the Carr Creek Lake, Kentucky, project at full Federal expense to provide additional water supply storage for the Upper Kentucky River Basin: Provided further, That with \$1,200,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake design deficiency repairs to the Bois Brule Drainage and Levee District, Missouri, project, authorized and constructed under the authority of the Flood Control Act of 1936 with cost sharing consistent with the original project authorization: Provided further, That in accordance with section 332 of the Water Resources Development Act of 1999, the Secretary of the Army is directed to increase the authorized level of protection of the Bois Brule Drainage and Levee District, Missouri, project from 50 years to 100 years using \$700,000 of the funds appropriated herein, and the project costs allocated to the incremental increase in the level of protection shall be cost shared consistent with section 103(a) of the Water Resources Development Act of 1986, notwithstanding section 202(a) of the Water Resources Development Act of 1996: Provided further, That using \$200,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct, at full Federal expense, technical studies of individual ditch systems identified by the State of Hawaii, and to assist the State in diversification by helping to define the cost of repairing and maintaining selected ditch systems: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$1,300,000 of the funds appropriated herein to continue construction of the navigation project at Kaunapau Harbor, Hawaii: Provided further, That with \$800,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue preparation of a General Reevaluation Report of the Oak Island, Caswell Beach, and Holden Beach segments of the Brunswick County Beaches project in North Carolina: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$500,000 to undertake the Bowie County Levee Project, which is defined as Alternative B Local Sponsor Option, in the Corps of Engineers document entitled Bowie County Local Flood Protection, Red River, Texas, Project Design Memorandum No. 1, Bowie County Levee, dated April 1997: Provided further, That the Secretary of the Army is directed to use \$4,000,000 of the funds provided herein for the Dam Safety and Seepage/Stability Correction Program to continue construction of seepage control features at Waterbury Dam, Vermont: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, using up to \$200,000 of the funds provided herein, is directed to complete the Aloha-Rigolette, Louisiana, project at full Federal expense: Provided further, That using \$500,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the Shoalwater Bay Shoreline, Washington, project: Provided further, That all studies for the Shoalwater Bay Shoreline project shall be cost shared in the same proportion as the construction implementation costs: Provided further, That using \$2,500,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with a final design and initiate construction for the repair and replacement of the Jicarilla Municipal Water System in the town of Dulce, New Mexico: Provided further, That using \$750,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the Missouri river Restoration Project and that erosion control measures implemented shall be primarily through nonstructural

means such as planting of native vegetation, buffer strips, conservation easements, setbacks, and agricultural best management practices: Provided further, That with \$10,000,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to construct the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: Provided further, That the deadline for the report required under section 154(g) of Public Law 106-554 is extended to December 31, 2002: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use unexpended funds appropriated in Public Law 105-62, under the heading Construction, General for Salyersville, Kentucky, to construct additional recreation improvements at the Buckhorn Lake, Kentucky, project: Provided further, That using \$1,000,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate construction on the Seward Harbor, Alaska, project in accordance with the Report of the Chief of Engineers dated June 8, 1999 and the economic justification contained therein: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use up to \$900,000 of funds previously appropriated to reimburse the City of Venice, Florida, for the costs incurred by the City prior to October 1998 for work accomplished by the City related to the relocation of the stormwater outfalls and the construction of the artificial reef that comprises an integral part of the project for beach nourishment, in Sarasota County, Florida: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein, for emergency bank stabilization measures at Lakeshore Park in Knoxville, Tennessee: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the Dickenson County Detailed Project Report as generally defined in Plan 4 of the Huntington District Engineer's Draft Supplement to the Section 202 General Plan for Flood Damage Reduction dated April 1997, including all Russell Fork tributary streams within the County and special considerations as may be appropriate to address the unique relocations and resettlement needs for the flood prone communities within the County: Provided further, That, with respect to the environmental infrastructure project in Lebanon, New Hampshire, for which funds are made available under this heading, the non-Federal interest shall receive credit toward the non-Federal share of the cost of the project for work performed before the date of execution of the project cooperation agreement, if the Secretary determines the work is integral to the project: Provided further, That, for the Raritan River Basin, Green Brook Sub-Basin, New Jersey, project, the Secretary of the Army, acting through the Chief of Engineers, is directed to implement the locally preferred plan for the element in the western portion of Middlesex Borough, New Jersey, which includes the buyout of up to 22 homes, the flood proofing of four commercial buildings along Prospect Place and Union Avenue, and the buyout of up to three commercial buildings along Raritan and Lincoln Avenues, at a total estimated cost of \$15,000,000, with an estimated Federal cost of \$11,500,000 and an estimated non-Federal cost of \$3,500,000.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a and 702g-1), \$345,992,000, to remain available until expended: Provided, That, the Secretary of the Army, acting through

the Chief of Engineers, is directed to convey to the Board of Mississippi Levee Commissioners any and all fee owned real property interests deemed excess to Army needs for disposal by the U.S. Army Corps of Engineers at its Casting Plant and its Bank Grading and Mat Loading Fleet Area located in Greenville, Mississippi. This real property shall be used by the Board of Mississippi Levee Commissioners for the operation and maintenance of the Mississippi River and Tributaries Project as it deems necessary.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, \$1,874,803,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that Fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601), may be derived from that account for construction, operation, and maintenance of outdoor recreation facilities: Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed, within funds available for the Mobile Harbor, Alabama, project, to remove, transport, dispose, and remediate contaminated sediments in and adjacent to the Federal navigation projects for the Arlington Channel and the Garrows Bend Channel at Federal expense, and a non-Federal sponsor shall provide all necessary lands, easements, rights-of-way, and relocations that may be required for the disposal of dredged material: Provided further, That using funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to perform cultural resource mitigation and recreation improvements at Waco Lake, Texas, at full Federal expense notwithstanding the provisions of the Water Supply Act of 1958: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein to grade the basin within the Hansen Dam feature of the Los Angeles County Drainage Area, California, project to enhance and maintain flood capacity and to provide for future use of the basin for compatible purposes consistent with the Master Plan, including recreation and environmental restoration: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein to fully investigate the development of an upland disposal site recycling program on the Black Warrior and Tombigbee Rivers, Alabama-Coosa Rivers, and the Mobile River projects: Provided further, That of funds appropriated herein for the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, the Secretary of the Army, acting through the Chief of Engineers, is directed to reimburse the State of Delaware for normal operation and maintenance costs incurred by the State of Delaware for the SR1 Bridge from station 58+00 to station 293+00 between May 12, 1997 and September 30, 2002. Reimbursement costs shall not exceed \$1,277,000: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein to remove and reinstall the docks and causeway, in kind, and continue breakwater repairs at Astoria East Boat Basin, Oregon: Provided further, That using funds appropriated herein, the Secretary of the Army, acting

through the Chief of Engineers, is directed to dredge a channel from the mouth of Wheeling Creek to Tunnel Green Park in Wheeling, West Virginia: Provided further, That the project for the Apalachicola, Chattahoochee, and Flint Rivers Navigation, authorized by section 2 of the River and Harbor Act of March 2, 1945 (Public Law 79-14) and modified by the first section of the River and Harbor Act of 1946 (60 Stat. 635, chapter 595), is modified to authorize the Secretary, as part of navigation maintenance activities, to develop and implement a plan to be integrated into the long-term dredged material management plan being developed for the Corley Slough reach, as required by conditions of the State of Florida water quality certification, for periodically removing sandy dredged material from the disposal area known as Site 40, located at mile 36.5 of the Apalachicola River, and from other disposal sites that the Secretary may determine to be needed for the purpose of reuse of the disposal areas, by transporting and depositing the sand for environmentally acceptable beneficial uses in coastal areas of Florida to be determined in coordination with the State of Florida: Provided further, That the Secretary is authorized to acquire all lands, easements, and rights-of-way that may be determined by the Secretary, in consultation with the affected State, to be required for dredged material disposal areas to implement a long-term dredge material management plan: Provided further, That the long-term management plan shall be developed in coordination with the State of Florida no later than 2 years from the date of enactment of this Act: Provided further, That, of the funds provided herein, \$4,900,000 shall be made available for these purposes and \$8,000,000 shall be made available for normal operation and maintenance of the Apalachicola, Chattahoochee, and Flint Rivers navigation project.

FLOOD CONTROL AND COASTAL EMERGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 107-20, \$25,000,000 are hereby rescinded.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$127,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation's early atomic energy program, \$140,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers, activities of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, and headquarters support functions at the USACE Finance Center, \$153,000,000, to remain available until expended: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: Provided further, That none of these funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed \$5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS
CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) CONVEYANCE AUTHORIZED.—The Secretary of the Army shall convey to the Blue Township Fire District, Blue Township, Kansas, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 4.35 acres located in Pottawatomie County, Tuttle Creek Lake, Kansas.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(c) REVERSION.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership or to be used as a site for a fire station, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

SEC. 102. For those shore protection projects funded in this Act which have Project Cooperation Agreements in place, the Secretary of the Army is directed to proceed with those projects in accordance with the cost sharing specified in the Project Cooperation Agreement: Provided, That the Secretary of the Army shall not accept or solicit non-Federal voluntary contributions for shore protection work in excess of the minimum requirements established by law; except that, when voluntary contributions are tendered by a non-Federal sponsor for the prosecution of work outside the authorized scope of the Federal project at full non-Federal expense, the Secretary is authorized to accept said contributions.

SEC. 103. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64-291; section 11 of the River and Harbor Act of 1925, Public Law 68-585; the Civil Functions Appropriations Act, 1936, Public Law 75-208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90-483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended, Public Law 99-662; section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102-580; section 211 of the Water Resources Development Act of 1996, Public Law 104-303; and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed \$10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed \$50,000,000 in each fiscal year.

SEC. 104. ST. GEORGES BRIDGE, DELAWARE. None of the funds made available in this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.

SEC. 105. The non-Federal interest shall receive credit towards the lands, easements, relocations, rights-of-way, and disposal areas required for the Lava Hot Springs restoration project in Idaho, and acquired by the non-Federal interest before execution of the project cooperation agreement: Provided, That the Secretary shall provide credit for work only if the Secretary determines such work to be integral to the project.

SEC. 106. GUADALUPE RIVER, CALIFORNIA. The project for flood control, Guadalupe River, California, authorized by section 401 of the Water Resources Development Act of 1986, and the Energy and Water Development Appropriation Acts of 1990 and 1992, is modified to authorize the Secretary to construct the project substan-

tially in accordance with the General Reevaluation and Environmental Report for Proposed Project Modifications, dated February 2001, at a total cost of \$226,800,000, with an estimated Federal cost of \$128,700,000, and estimated non-Federal cost of \$98,100,000.

SEC. 107. DESIGNATION OF NONNAVIGABILITY FOR PORTIONS OF GLOUCESTER COUNTY, NEW JERSEY. (a) DESIGNATION.—

(1) IN GENERAL.—The Secretary of the Army (referred to in section as the "Secretary") shall designate as nonnavigable the areas described in paragraph (3) unless the Secretary, after consultation with local and regional public officials (including local and regional planning organizations), makes a determination that 1 or more projects proposed to be carried out in 1 or more areas described in paragraph (2) are not in the public interest.

(2) DESCRIPTION OF AREAS.—The areas referred to in paragraph (1) are certain parcels of property situated in the West Deptford Township, Gloucester County, New Jersey, as depicted on Tax Assessment Map #26, Block #328, Lots #1, 1.03, 1.08, and 1.09, more fully described as follows:

(A) Beginning at the point in the easterly line of Church Street (49.50 feet wide), said beginning point being the following 2 courses from the intersection of the centerline of Church Street with the curved northerly right-of-way line of Pennsylvania-Reading Seashore Lines Railroad (66.00 feet wide)—

(i) along said centerline of Church Street N. 11°28'50" E. 38.56 feet; thence

(ii) along the same N. 61°28'35" E. 32.31 feet to the point of beginning.

(B) Said beginning point also being the end of the thirteenth course and from said beginning point runs; thence, along the aforementioned Easterly line of Church Street—

(i) N. 11°28'50" E. 1052.14 feet; thence

(ii) crossing Church Street, N. 34°19'51" W. 1590.16 feet; thence

(iii) N. 27°56'37" W. 3674.36 feet; thence

(iv) N. 35°33'54" W. 975.59 feet; thence

(v) N. 57°04'39" W. 481.04 feet; thence

(vi) N. 36°22'55" W. 870.00 feet to a point in the Pierhead and Bulkhead Line along the Southeastery shore of the Delaware River; thence

(vii) along the same line N. 53°37'05" E. 1256.19 feet; thence

(viii) still along the same, N. 86°10'29" E. 1692.61 feet; thence, still along the same the following thirteenth courses

(ix) S. 67°44'20" E. 1090.00 feet to a point in the Pierhead and Bulkhead Line along the Southwesterly shore of Woodbury Creek; thence

(x) S. 39°44'20" E. 507.10 feet; thence

(xi) S. 31°01'38" E. 1062.95 feet; thence

(xii) S. 34°34'20" E. 475.00 feet; thence

(xiii) S. 32°20'28" E. 254.18 feet; thence

(xiv) S. 52°55'49" E. 964.95 feet; thence

(xv) S. 56°24'40" E. 366.60 feet; thence

(xvi) S. 80°31'50" E. 100.51 feet; thence

(xvii) N. 75°30'00" E. 120.00 feet; thence

(xviii) N. 53°09'00" E. 486.50 feet; thence

(xix) N. 81°18'00" E. 132.00 feet; thence

(xx) S. 56°35'00" E. 115.11 feet; thence

(xxi) S. 42°00'00" E. 271.00 feet; thence

(xxii) S. 48°30'00" E. 287.13 feet to a point in the Northwesterly line of Grove Avenue (59.75 feet wide); thence

(xxiii) S. 23°09'50" W. 4120.49 feet; thence

(xxiv) N. 66°50'10" W. 251.78 feet; thence

(xxv) S. 36°05'20" E. 228.64 feet; thence

(xxvi) S. 58°53'00" W. 1158.36 feet to a point in the Southwesterly line of said River Lane; thence

(xxvii) S. 41°31'35" E. 113.50 feet; thence

(xxviii) S. 61°28'35" W. 863.52 feet to the point of beginning.

(C)(i) Except as provided in clause (ii), beginning at a point in the centerline of Church Street (49.50 feet wide) where the same is intersected by the curved northerly line of Pennsylvania-Reading Seashore Lines Railroad right-of-way (66.00 feet wide), along that Railroad, on

a curve to the left, having a radius of 1465.69 feet, an arc distance of 1132.14 feet—

(I) N. 88°45'47" W. 1104.21 feet; thence

(II) S. 69°06'30" W. 1758.95 feet; thence

(III) N. 23°04'43" W. 600.19 feet; thence

(IV) N. 19°15'32" W. 3004.57 feet; thence

(V) N. 44°52'41" W. 897.74 feet; thence

(VI) N. 32°26'05" W. 2765.99 feet to a point in the Pierhead and Bulkhead Line along the Southeastery shore of the Delaware River; thence

(VII) N. 53°37'05" E. 2770.00 feet; thence

(VIII) S. 36°22'55" E. 870.00 feet; thence

(IX) S. 57°04'39" E. 481.04 feet; thence

(X) S. 35°33'54" E. 975.59 feet; thence

(XI) S. 27°56'37" E. 3674.36 feet; thence

(XII) crossing Church Street, S. 34°19'51" E. 1590.16 feet to a point in the easterly line of Church Street; thence

(XIII) S. 11°28'50" W. 1052.14 feet; thence

(XIV) S. 61°28'35" W. 32.31 feet; thence

(XV) S. 11°28'50" W. 38.56 feet to the point of beginning.

(ii) The parcel described in clause (i) does not include the parcel beginning at the point in the centerline of Church Street (49.50 feet wide), that point being N. 11°28'50" E. 796.36 feet, measured along the centerline, from its intersection with the curved northerly right-of-way line of Pennsylvania-Reading Seashore Lines Railroad (66.00 feet wide)—

(I) N. 78°27'40" W. 118.47 feet; thence

(II) N. 15°48'40" W. 120.51 feet; thence

(III) N. 77°53'00" E. 189.58 feet to a point in the centerline of Church Street; thence

(IV) S. 11°28'50" W. 183.10 feet to the point of beginning.

(b) LIMITS ON APPLICABILITY; REGULATORY REQUIREMENTS.—

(1) IN GENERAL.—The designation under subsection (a)(1) shall apply to those parts of the areas described in subsection (a) that are or will be bulkheaded and filled or otherwise occupied by permanent structures, including marina facilities.

(2) APPLICABLE LAW.—All activities described in paragraph (1) shall be subject to all applicable Federal law, including—

(A) the Act of March 3, 1899 (30 Stat. 1121, chapter 425);

(B) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) TERMINATION OF DESIGNATION.—If, on the date that is 20 years after the date of enactment of this Act, any area or portion of an area described in subsection (a)(3) is not bulkheaded, filled, or otherwise occupied by permanent structures (including marina facilities) in accordance with subsection (b), or if work in connection with any activity authorized under subsection (b) is not commenced by the date that is 5 years after the date on which permits for the work are issued, the designation of nonnavigability under subsection (a)(1) for that area or portion of an area shall terminate.

SEC. 108. NOME HARBOR TECHNICAL CORRECTIONS. Section 101(a)(1) of Public Law 106-53 (the Water Resources Development Act of 1999) is amended by—

(1) striking "\$25,651,000" and inserting in its place "\$39,000,000"; and

(2) striking "\$20,192,000" and inserting in its place "\$33,541,000".

SEC. 109. Section 211 of the Water Resources Development Act of 2000, Public Law 106-541, is amended by adding the following language at the end of subsection (d):

"(e) ENGINEERING RESEARCH AND DEVELOPMENT CENTER.—The Engineering Research and Development Center is exempt from the requirements of this section."

SEC. 110. Section 514(g) of the Water Resources Development Act of 1999, Public Law 106-53, is amended by striking "fiscal years 2000 and 2001" and inserting in lieu thereof "fiscal years 2000 through 2002".

SEC. 111. The Secretary of the Army, acting through the Chief of Engineers, is directed to modify the pump station intake structure and discharge line to preclude ice from interfering with pump operations at Fort Fairfield, Maine, flood control project: Provided, That all design and construction costs associated with the modifications of the Fort Fairfield, Maine, project shall be at Federal expense.

SEC. 112. CERRILLOS DAM, PUERTO RICO. The Secretary of the Army shall reassess the allocation of Federal and non-Federal costs for construction of the Cerrillos Dam, carried out as part of the project for flood control, Portugues and Bucana Rivers, Puerto Rico.

SEC. 113. STUDY OF CORPS CAPABILITY TO CONSERVE FISH AND WILDLIFE. Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(2) by striking “(b) The Secretary” and inserting the following:

“(b) PROJECTS.—

“(1) IN GENERAL.—The Secretary”; and

(3) by striking “The non-Federal share of the cost of any project under this section shall be 25 percent.” and inserting the following:

“(2) COST SHARING.—

“(A) IN GENERAL.—The non-Federal share of the cost of any project under this subsection shall be 25 percent.

“(B) FORM.—The non-Federal share may be provided through in-kind services, including the provision by the non-Federal interest of shell stock material that is determined by the Chief of Engineers to be suitable for use in carrying out the project.

“(C) APPLICABILITY.—The non-Federal interest shall be credited with the value of in-kind services provided on or after October 1, 2000, for a project described in paragraph (1) completed on or after that date, if the Secretary determines that the work is integral to the project.”.

SEC. 114. The flood control project for the Ramapo River at Oakland, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986, Public Law 99-662, as amended by section 301(a)(9) of the Water Resources Development Act of 1996, Public Law 104-33, is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project at a total cost of \$18,000,000, with an estimated Federal cost of \$13,500,000 and an estimated non-Federal cost of \$4,500,000 less any credits allowed under applicable laws.

SEC. 115. Except for the historic scheduled maintenance dredging in the Delaware River, none of the funds appropriated in this Act shall be used to operate the dredge MCFARLAND other than for urgent dredging, emergencies and in support of national defense.

SEC. 116. The Secretary may not expend funds to accelerate the schedule to finalize the Record of Decision for the revision of the Missouri River Master Water Control Manual and any associated changes to the Missouri River Annual Operating Plan. During consideration of revisions to the manual in fiscal year 2002, the Secretary may consider and propose alternatives for achieving species recovery other than the alternatives specifically prescribed by the United States Fish and Wildlife Service in the biological opinion of the Service. The Secretary shall consider the views of other Federal agencies, non-Federal agencies, and individuals to ensure that other congressionally authorized purposes are maintained.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$34,918,000, to remain available until expended,

of which \$10,749,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, \$1,310,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES
(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, \$762,531,000, to remain available until expended, of which \$14,649,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$31,442,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which \$8,000,000 shall be for on-reservation water development, feasibility studies, and related administrative costs under Public Law 106-163; and of which not more than \$500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 4601-6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That \$12,000,000 of the funds appropriated herein shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of division B, title I of Public Law 106-554, of which \$1,000,000 shall be for remediation in the Central Basin Municipal Water District: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: Provided further, That section 301 of Public Law 102-250, Reclamation States Emergency Drought Relief Act of 1991, as amended, is amended further by inserting “2001, and 2002” in lieu of “and 2001”: Provided further, That of such funds, not more than \$1,500,000 shall be available to the Secretary for completion of a feasibility study for the Santa Fe-Pojoaque Regional Water System, New Mexico: Provided further, That the study shall be completed by September 30, 2002.

BUREAU OF RECLAMATION LOAN PROGRAM
ACCOUNT

For the cost of direct loans and/or grants, \$7,215,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a-422i): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$26,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, \$280,000, to remain available until expended: Provided, That of the total sums appropriated, the amount of program activities that can be financed by the Reclamation Fund shall be derived from that Fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$55,039,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102-575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, \$52,968,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed four passenger motor vehicles for replacement only.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. In order to increase opportunities for Indian tribes to develop, manage, and protect their water resources, the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, is authorized to enter into grants and cooperative agreements with any Indian tribe, institution of higher education, national Indian organization, or tribal organization pursuant to 31 U.S.C. 6301-6308. Nothing in this Act is intended to modify or limit the provisions of the Indian Self Determination Act (25 U.S.C. 45 et seq.).

SEC. 202. SAN GABRIEL BASIN, CALIFORNIA. (a) ADMINISTRATION OF RESTORATION FUND.—Section 110(a)(2) of the Miscellaneous Appropriations Act, 2001 (as enacted into law by section 1(a)(4) of Public Law 106-554) is amended by striking “the Secretary of the Army” and inserting “the Secretary of the Interior”.

(b) PURPOSES OF RESTORATION FUND.—Section 110(a)(3)(A) of such Act is amended by striking clauses (i) and (ii) and inserting the following: “(i) to provide grants to the San Gabriel Basin Water Quality Authority and the Central Basin Municipal Water District to reimburse such agencies for the Federal share of the costs associated with designing and constructing water quality projects to be administered by such agencies; and

“(ii) to provide grants to reimburse the San Gabriel Basin Water Quality Authority and the Central Basin Municipal Water District for the Federal share of the costs required to operate any project constructed under this section for a period not to exceed 10 years, following the initial date of operation of the project.”.

(c) COST-SHARING LIMITATION.—Section 110(a)(3)(B) of such Act (114 Stat. 2763A-223) is amended by adding at the end the following:

“(iii) CREDITS TOWARD NON-FEDERAL SHARE.—For purposes of clause (ii), the Secretary shall credit the San Gabriel Basin Water Quality Authority with the value of all prior expenditures by non-Federal interests made after February 11, 1993, that are compatible with the purposes of this section, including—

“(I) all expenditures made by non-Federal interests to design and construct water quality projects, including expenditures associated with environmental analyses and public involvement activities that were required to implement the water quality projects in compliance with applicable Federal and State laws; and

“(II) all expenditures made by non-Federal interests to acquire lands, easements, rights-of-way, relocations, disposal areas, and water rights that were required to implement a water quality project.”.

SEC. 203. The Secretary of the Interior is authorized and directed to use not to exceed \$1,000,000 of the funds appropriated under title II to refund amounts received by the United States as payments for charges assessed by the Secretary prior to January 1, 1994 for failure to file certain certification or reporting forms prior to the receipt of irrigation water, pursuant to sections 206 and 224(c) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ff, 390ww(c)), including the amount of associated interest assessed by the Secretary and paid to the United States pursuant to section 224(i) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ww(i)).

SEC. 204. LOWER COLORADO RIVER BASIN DEVELOPMENT FUND. (a) IN GENERAL.—Notwithstanding section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)), no amount from the Lower Colorado River Basin Development Fund shall be paid to the general fund of the Treasury until each provision of the Stipulation Regarding a Stay and for Ultimate Judgment Upon the Satisfaction of Conditions, filed in United States district court on May 3, 2000, in Central Arizona Water Conservation District v. United States (No. CIV 95-625-TUC-WDB (EHC)), No. CIV 95-1720-OHX-EHC (Consolidated Action) is met.

(b) PAYMENT TO GENERAL FUND.—If any of the provisions of the stipulation referred to in subsection (a) are not met by the date that is 3 years after the date of enactment of this Act, payments to the general fund of the Treasury shall resume in accordance with section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)).

(c) AUTHORIZATION.—Amounts in the Lower Colorado River Basin Development Fund that but for this section would be returned to the general fund of the Treasury shall not be expended until further Act of Congress.

SEC. 205. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the “Cleanup Program—Alternative Repayment Plan” and the “SJVDP—Alternative Repayment Plan” described in the report entitled “Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995”, prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 206. The Secretary of the Interior, in accepting payments for the reimbursable expenses incurred for the replacement, repair, and extraordinary maintenance with regard to the Valve Rehabilitation Project at the Arrowrock

Dam on the Arrowrock Division of the Boise Project in Idaho, shall recover no more than \$6,900,000 of such expenses according to the application of the current formula for charging users for reimbursable operation and maintenance expenses at Bureau of Reclamation facilities on the Boise Project, and shall recover this portion of such expenses over a period of 15 years.

SEC. 207. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106-60.

SEC. 208. None of the funds made available in this Act may be used by the Bureau of Reclamation (either directly or by making the funds available to an entity under a contract) for the issuance of permits for, or any other activity related to the management of, commercial rafting activities within the Auburn State Recreation Area, California, until the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 12151 et seq.) are met with respect to such commercial rafting activities.

SEC. 209. (a) Section 101(a)(6)(C) of the Water Resources Development Act of 1999, Public Law 106-53, is amended to read as follows:

“(C) MAKEUP OF WATER SHORTAGES CAUSED BY FLOOD CONTROL OPERATION.—

“(i) IN GENERAL.—The Secretary of the Interior shall enter into, or modify, such agreements with the Sacramento Area Flood Control Agency regarding the operation of Folsom Dam and Reservoir as may be necessary in order that, notwithstanding any prior agreement or provision of law, 100 percent of the water needed to make up for any water shortage caused by variable flood control operation during any year at Folsom Dam, and resulting in a significant impact on recreation at Folsom Reservoir shall be replaced, to the extent the water is available for purchase, by the Secretary of the Interior.

“(ii) COST SHARING.—Seventy-five percent of the costs of the replacement water provided under clause (i) shall be paid for on a non-reimbursable basis by the Secretary of the Interior at Federal expense. The remaining 25 percent of such costs shall be provided by the Sacramento Area Flood Control Agency.

“(iii) LIMITATION.—To the extent that any funds in excess of the non-Federal share are provided by the Sacramento Area Flood Control Agency, the Secretary shall reimburse such non-Federal interests for such excess funds. Costs for replacement water may not exceed 125 percent of the current average market price for raw water, as determined by the Secretary of the Interior.”.

(b) CONFORMING CHANGE.—Section 101(a)(1)(D)(ii) of the Water Resources Development Act of 1996, Public Law 104-303, is amended by striking “during” and all that follows through “thereafter”.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 17 passenger motor vehicles for replacement only, \$666,726,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of

plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$236,372,000, to remain available until expended: Provided, That funding for the West Valley Demonstration Project shall be reduced in subsequent fiscal years to the minimum necessary to maintain the project in a safe and stable condition, unless, not later than September 30, 2002, the Secretary: (1) provides written notification to the Committees on Appropriations of the House of Representatives and the Senate that agreement has been reached with the State of New York on the final scope of Federal activities at the West Valley site and on the respective Federal and State cost shares for those activities; (2) submits a written copy of that agreement to the Committees on Appropriations of the House of Representatives and the Senate; and (3) provides a written certification that the Federal actions proposed in the agreement will be in full compliance with all relevant Federal statutes and are in the best interest of the Federal government.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION

For necessary expenses to maintain, decontaminate, decommission, and otherwise remediate uranium processing facilities, \$418,425,000, of which \$299,641,000 shall be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, all of which shall remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 25 passenger motor vehicles for replacement only, \$3,233,100,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$95,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: Provided, That not to exceed \$2,500,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended: Provided further, That \$6,000,000 shall be provided to affected units of local governments, as defined in Public Law 97-425, to conduct appropriate activities pursuant to the Act: Provided further, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: Provided further, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by Public Law 97-425 and this Act. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided

for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.

**DEPARTMENTAL ADMINISTRATION
(INCLUDING TRANSFER OF FUNDS)**

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed \$35,000), \$210,853,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total \$137,810,000 in fiscal year 2002 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation from the General Fund estimated at not more than \$73,043,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$32,430,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

**NATIONAL NUCLEAR SECURITY
ADMINISTRATION
WEAPONS ACTIVITIES**

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 11 passenger motor vehicles for replacement only, \$5,429,238,000, to remain available until expended.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$803,586,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the De-

partment of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$688,045,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator of the National Nuclear Security Administration, including official reception and representation expenses (not to exceed \$12,000), \$312,596,000, to remain available until expended.

**ENVIRONMENTAL AND OTHER DEFENSE
ACTIVITIES**

**DEFENSE ENVIRONMENTAL RESTORATION AND
WASTE MANAGEMENT**

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 30 passenger motor vehicles, of which 27 shall be for replacement only, \$5,234,576,000, to remain available until expended.

DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction, and acquisition of plant and capital equipment and other necessary expenses, \$1,092,878,000, to remain available until expended.

**DEFENSE ENVIRONMENTAL MANAGEMENT
PRIVATIZATION**

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), \$153,537,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$544,044,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$280,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for official reception and representation expenses in an amount not to exceed \$1,500.

During fiscal year 2002, no new direct loan obligations may be made.

**OPERATION AND MAINTENANCE, SOUTHEASTERN
POWER ADMINISTRATION**

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$4,891,000, to remain available until expended;

in addition, notwithstanding the provisions of 31 U.S.C. 3302, up to \$8,000,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

**OPERATION AND MAINTENANCE, SOUTHWESTERN
POWER ADMINISTRATION**

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, \$28,038,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed \$5,200,000 in reimbursements, to remain available until expended: Provided, That up to \$1,512,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

**CONSTRUCTION, REHABILITATION, OPERATION
AND MAINTENANCE, WESTERN AREA POWER
ADMINISTRATION**

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500, \$171,938,000, to remain available until expended, of which \$166,651,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That of the amount herein appropriated, \$6,000,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That up to \$152,624,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

**FALCON AND AMISTAD OPERATING AND
MAINTENANCE FUND**

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$2,663,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

**FEDERAL ENERGY REGULATORY COMMISSION
SALARIES AND EXPENSES**

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed \$3,000), \$184,155,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed \$184,155,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2002 shall be retained and used for necessary expenses in

this account, and shall remain available until expended. Provided further, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation from the General Fund estimated at not more than \$0: Provided further, That the Commission is authorized an additional 5 senior executive service positions.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a) None of the funds appropriated by this Act may be used to award a management and operating contract, or award a significant extension or expansion to an existing management and operating contract, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Subcommittees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy, under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the \$20,000,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 307. When the Department of Energy makes a user facility available to universities and other potential users, or seeks input from universities and other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the

Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 308. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or is generated after such date. For the purposes of this section, the material categories of transuranic waste at the Rocky Flats Environmental Technology Site include: (1) ash residues; (2) salt residues; (3) wet residues; (4) direct repackaging residues; and (5) scrub alloy as referenced in the "Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site".

SEC. 309. The Administrator of the National Nuclear Security Administration may authorize the plant manager of a covered nuclear weapons production plant to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such plant in order to maintain and enhance such capabilities at such plant: Provided, That of the amount allocated to a covered nuclear weapons production plant each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: Provided further, That for purposes of this section, the term "covered nuclear weapons production plant" means the following:

- (1) the Kansas City Plant, Kansas City, Missouri;
- (2) the Y-12 Plant, Oak Ridge, Tennessee;
- (3) the Pantex Plant, Amarillo, Texas; and
- (4) the Savannah River Plant, South Carolina.

SEC. 310. The Administrator of the National Nuclear Security Administration may authorize the manager of the Nevada Operations Office to engage in research, development, and demonstration activities with respect to the development, test, and evaluation capabilities necessary for operations and readiness of the Nevada Test Site: Provided, That of the amount allocated to the Nevada Operations Office each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs at the Nevada Test Site, not more than an amount equal to 2 percent of such amount may be used for these activities.

SEC. 311. DEPLETED URANIUM HEXAFLUORIDE. Section 1 of Public Law 105-204 is amended in subsection (b)—

- (1) by inserting "except as provided in subsection (c)," after "1321-349,"; and
- (2) by striking "fiscal year 2002" and inserting "fiscal year 2005".

SEC. 312. PROHIBITION OF OIL AND GAS DRILLING IN THE FINGER LAKES NATIONAL FOREST, NEW YORK. No Federal permit or lease shall be issued for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2002.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and, for nec-

essary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$71,290,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$18,500,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, \$10,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, \$38,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$15,000), and purchase of promotional items for use in the recruitment of individuals for employment, \$516,900,000, to remain available until expended: Provided, That of the amount appropriated herein, \$23,650,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at \$473,520,000 in fiscal year 2002 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation estimated at not more than \$43,380,000: Provided further, That, notwithstanding any other provision of law, no funds made available under this or any other Act may be expended by the Commission to implement or enforce any part of 10 C.F.R. Part 35, as adopted by the Commission on October 23, 2000, with respect to diagnostic nuclear medicine, except those parts which establish training and experience requirements for persons seeking licensing as authorized users, until such time as the Commission has reexamined 10 C.F.R. Part 35 and provided a report to the Congress which explains why the burden imposed by 10 C.F.R. Part 35 could not be further reduced.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$6,180,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at \$5,933,000 in fiscal year 2002 shall be retained and be available until expended, for necessary salaries and expenses in this account notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation estimated at not more than \$247,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$3,100,000, to be

derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 503. The Secretary of the Army shall conduct and submit to Congress a study that examines the known and potential environmental effects of oil and gas drilling activity in the Great Lakes (including effects on the shorelines and water of the Great Lakes): Provided, That during the fiscal years 2002 and 2003, no Federal or State permit or lease shall be issued for new oil and gas slant, directional, or offshore drilling in or under one or more of the Great Lakes.

This Act may be cited as the "Energy and Water Development Appropriations Act, 2002".

And the Senate agree to the same.

SONNY CALLAHAN,
HAROLD ROGERS,
RODNEY P.
FRELINGHUYSEN,
TOM LATHAM,
ROGER F. WICKER,
ZACH WAMP,
JO ANN EMERSON,
JOHN T. DOOLITTLE,
BILL YOUNG,
PETER J. VISCLOSKY,
ED PASTOR,
JAMES E. CLYBURN,
LUCILLE ROYBAL-ALLARD,

Managers on the Part of the House.

PETE V. DOMENICI,
THAD COCHRAN,
MITCH MCCONNELL,
ROBERT F. BENNETT,
CONRAD BURNS,
LARRY CRAIG,
TED STEVENS,
HARRY REID,
ROBERT C. BYRD,
FRITZ HOLLINGS,
PATTY MURRAY,
BYRON L. DORGAN,
DIANNE FEINSTEIN,
TOM HARKIN,
DANIEL K. INOUYE,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the dis-

agreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

The language and allocations set forth in House Report 107-112 and Senate Report 107-39 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not contradicted by the report of the Senate or the statement of the managers, and Senate report language which is not contradicted by the report of the House or the statement of the managers is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where both the House report and Senate report address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined that the House and Senate reports are not inconsistent and are to be interpreted accordingly. In cases in which the House or Senate have directed the submission of a report, such report is to be submitted to both House and Senate Committees on Appropriations.

Senate amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

INTRODUCTION

RESPONSE TO TERRORISM

The conferees commend the personnel of the agencies funded in this bill for their dedication and professionalism in their response to the heinous and cowardly terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001.

The Army Corps of Engineers had a very prominent role in crisis response, engineering assessment, and recovery at the attack sites. The conferees believe that this disaster has again shown the wisdom of the current structure and alignment of the Corps of Engineers within the Department of Defense. The conferees continue to expect the Congress to be fully consulted before any proposed changes affecting the Corps or the unique role of the Chief of Engineers are implemented.

The Department of Energy redoubled efforts to maximize and ensure absolute security of our Nation's nuclear weapons, nuclear materials, and critical scientific and weapons infrastructure. In a quiet, unheralded manner the professionals throughout the country at the Army Corps of Engineers and the Department of the Interior's Bureau of Reclamation have spent much time and personal effort to ensure the safety of many of the Nation's critical water resources. The Nuclear Regulatory Commission remains vigilant about security at the nation's commercial nuclear power reactors. The conferees note that both Federal and contractor employees have made significant contributions at sometimes great personal sacrifice on behalf of our Nation, and we are grateful for their efforts.

The conferees are aware that a number of requirements have surfaced since the terrorist attacks to address the cost of improved security at facilities funded in this bill. These requirements are evolving and are expected to be addressed within the \$40 billion emergency supplemental appropriation

that the Congress provided immediately following the terrorist attack. If additional requirements are identified during the year, the conferees expect each agency to follow normal reprogramming procedures to address those requirements. For the Corps of Engineers Operation and Maintenance, General, account, the Corps of Engineers shall submit to the House and Senate Committees for approval, any reprogramming of funds directly related to enhanced security at its projects. If all known enhanced security requirements cannot be fully met through fiscal year 2002 appropriations, the conferees direct that each agency in this bill budget for any such remaining costs in the fiscal year 2003 budget submission to Congress. The conferees direct the Secretaries of the Army, Energy, and Interior to each submit a report to the Appropriations Committees of Congress by February 15, 2002 which specifically identifies in detail all known physical security requirements that have surfaced since the terrorist attacks, and the degree to which each has been met through fiscal year 2002 appropriations and the fiscal year 2003 budget request.

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Corps of Engineers. Additional items of conference agreement are discussed below.

GENERAL INVESTIGATIONS

The conference agreement appropriates \$154,350,000 for General Investigations instead of \$163,260,000 as proposed by the House and \$152,402,000 as proposed by the Senate.

The conferees have agreed to provide \$350,000 for the Corps of Engineers to initiate and complete a reconnaissance study to evaluate environmental restoration, recreation, and related purposes for the Middle Rio Grande, Bosque, New Mexico. The conferees are aware of the unique nature of this study and encourage the Corps of Engineers to establish a regional inter-agency and inter-state steering committee to leverage lessons learned from the Rio Salado, Phoenix and Tempe Reaches, Arizona, and Tres Rio, Arizona, environmental restoration projects as well as experience from within the agency.

The conference agreement includes \$1,200,000 for the Upper Trinity River Basin, Texas, project as proposed by the House and the Senate. The additional amount provided will allow for completion of the Dallas Floodway and Stemmons North Industrial Corridor studies, for continuation of studies on the Clear and West Forks of the Trinity River including the evaluation of existing flood control improvements and the identification of additional measures at their confluence needed to protect the urban center of Fort Worth, and the Big Fossil Creek Watershed, and for initiation of a new study.

The conferees have provided \$100,000 for the Corps of Engineers to address the historic flooding problem at the Sparks Arroyo Colonia in El Paso County, Texas.

The conferees have provided \$100,000 for the Nueces River and Tributaries, Texas, project for a reconnaissance study of recharge structures located on the Edwards Aquifer Recharge Zone in the Nueces River Basin.

Within the amount provided for Flood Plain Management Services, \$100,000 is to update a flood plain study for Tripps Run in the City of Falls Church, Virginia. In addition, the amount provided for Flood Plain Management Services includes \$1,300,000 for

the development of a Foundational Floodplain Management Geographic Information System for East Baton Rouge Parish, Louisiana, containing essential graphic and non-graphic detailed databases.

Within the amount provided for the Planning Assistance to States Program, \$50,000 is for the preparation of a Comprehensive Drainage Basin Plan for Francis Bland Floodway Ditch (Eight Mile Creek) and tributaries in the vicinity of Paragould, Arkansas, and \$100,000 is for the Corps of Engineers to provide planning assistance to develop a master plan for Elk Creek Lake in Fleming County, Kentucky. In addition, the conferees urge the Corps of Engineers to initiate an investigation of the streambank erosion problems in the East Baton Rouge Parish Canal in Baker, Louisiana, and desalinization efforts at Tularosa Basin in Alamogordo, New Mexico. The amount provided for the Planning Assistance to States program also includes \$150,000 for the Corps of Engineers to provide planning assistance to the Choctawhatchee, Pea, and Yellow Rivers Watershed Management Authority. The conferees have also included \$400,000 for the Corps of Engineers to conduct, at full Federal expense as required by section 1156 of Public Law 99-662, a review of plans developed by the Commonwealth of the Northern Mariana Islands for improvements to its water infrastructure in order to prepare a report for transmission to Congress that could be used as the basis for an authorization for the Federal government to assist the Commonwealth of the Northern Mariana Islands with those improvements.

The conference agreement includes \$29,300,000 for Research and Development. Within the amount provided, \$4,100,000 is to continue the National Shoreline Erosion Control Development and Demonstration Program authorized by section 227 of the Water Resources Development Act of 1996, including \$1,300,000 for the Corps of Engineers to demonstrate the effectiveness of erosion control systems consisting of permeable groins installed perpendicular to the shoreline which reduce wave and current energy allowing a portion of the sediment load to fall out of suspension at Gulf State Park in Gulf Shores, Alabama, and \$800,000 to continue the research being conducted at Allegan County, Michigan, in cooperation with Western Michigan University. In addition, the conferees encourage the Corps of Engineers to fully investigate the use of electro-osmotic-pulse technologies at facilities where chronic water seepage and floods are problematic. The conferees urge the Corps of Engineers to test the effectiveness of the Aqua Levee Emergency Flood Control System, and report back to the House and Senate Committees on Appropriations on the feasibility of deploying this emergency flood control system for use in fighting floods. The amount provided for Research and Development also includes \$300,000 for the Corps of Engineers to prepare an implementation plan and complete a detailed project design for the Seabrook Harbor, New Hampshire, Demonstration Project under the authority of section 227 of the Water Resources Development Act of 1996.

The conference agreement includes language proposed by the House which directs the Corps of Engineers to continue preconstruction engineering and design of the Murrieta Creek, California, project in accordance with the cost sharing established in Public Law 106-377. The language has been amended to delete the dollar amount; however, the conference agreement includes \$1,000,000 for the project as proposed by the House.

The conference agreement includes language proposed by the House which directs

the Corps of Engineers to use the feasibility report prepared under the authority of section 205 of the Flood Control Act of 1948, as amended, as the basis for the Rock Creek-Keefer Slough Flood Control Project in Butte County, California. The language has been amended to delete the dollar amount; however, the conference agreement includes \$200,000 for the project as proposed by the House and the Senate.

The conference agreement includes language proposed by the House regarding the Southwest Valley Flood Damage Reduction Study in New Mexico which directs the Corps of Engineers to include in the study an evaluation of flood reduction measures that would otherwise be excluded based on policies regarding the frequency of flooding, the drainage area, and the amount of runoff.

The conference agreement includes language proposed by the Senate which directs the Corps of Engineers to conduct studies for flood damage reduction, environmental protection, environmental restoration, water supply, water quality, and other purposes in Tuscaloosa County, Alabama. The language has been amended to delete the dollar amount; however, the conference agreement includes \$100,000 for the study as proposed by the Senate.

The conferees have included language in the bill which directs the Corps of Engineers to conduct a comprehensive watershed study to provide a framework for implementing activities to improve the environmental quality of the Lake Tahoe Basin in Nevada and California.

The conference agreement includes language which amends the Consolidated Appropriations Act, 2001, to provide that funds for the Lower St. Anthony Falls, Minnesota, project may be used for planning, engineering and design activities.

The conference agreement deletes bill language proposed by the Senate providing \$500,000 for the Port of Iberia, Louisiana, study. Funds for this project have been included in the overall amount appropriated for General Investigations.

The conference agreement deletes bill language proposed by the Senate providing \$100,000 for a Chesapeake Bay shoreline erosion study, including an examination of management measures that could be undertaken to address the sediments behind the dams on the Lower Susquehanna River. Funds for this project have been included in the overall amount appropriated for General Investigations.

The conference agreement deletes bill language proposed by the Senate providing \$300,000 for the North Georgia Water Planning District Watershed study in Georgia. Funds for this project have been included in the overall amount appropriated for General Investigations.

The conference agreement deletes language proposed by the Senate regarding drilling for oil or gas in the Great Lakes. This matter has been addressed in Title V, General Provisions.

CONSTRUCTION, GENERAL

The conference agreement appropriates \$1,715,951,000 for Construction, General instead of \$1,671,854,000 as proposed by the House and \$1,570,798,000 as proposed by the Senate.

The conference agreement includes \$2,000,000 for the St. Johns County, Florida, project. The conferees are aware that additional funds may be required in fiscal year 2002 to complete this project. Therefore, the Corps of Engineers is urged to transfer up to an additional \$9,000,000 from available funds as necessary to complete this project. The conferees approve of this procedure and direct the Corps of Engineers to take all steps necessary to complete this project.

The conference agreement includes \$40,000,000 for the Olmsted Locks and Dam project. The conferees agree that none of the funds are to be used to reimburse the Claims and Judgment Fund.

The conferees have provided \$13,000,000 for the Inner Harbor Navigation Canal Lock project in Louisiana. While the conferees continue to support the renovation of the 80-year old locks in the Inner Harbor Navigation Canal, they are aware of recent allegations regarding potential adverse impacts of the project on vehicular traffic crossing the canal and direct the Corps of Engineers to work with the Old Arabi Neighborhood Association, Regional Planning Commission, St. Bernard Parish, the Louisiana Department of Transportation and Development, and the U.S. Coast Guard to determine if the project will cause vehicular traffic problems and on solutions to any confirmed problems.

The conference agreement includes \$950,000 for the Chesapeake Bay Environmental Restoration and Protection program, including \$200,000 for the Taylors Island marsh creation and shoreline protection project, and \$750,000 for upgrades to the Smith Island wastewater treatment plant.

The conference agreement includes \$4,000,000 for the Northeastern Minnesota Environmental Infrastructure program, including \$250,000 to assist the City of Biwabik, Minnesota, with its sewer and water utility reconstruction along 7th and 8th avenues.

The conference agreement includes \$500,000 for the Rural Montana project. Within the funds provided, the Corps of Engineers is directed to give consideration to projects at Helena, Laurel, and Conrad, Montana.

The conferees are aware of the urgent need to facilitate efficient construction of improvements for New York and New Jersey Harbor to meet the needs of navigation interests and save significant Federal and non-Federal resources. Therefore, the conferees direct the Secretary of the Army to combine the previously authorized Arthur Kill Channel, Howland Hook Marine Terminal, New York and New Jersey, project; the Kill Van Kull and Newark Bay Channel, New York and New Jersey, project; the New York and Adjacent Channels, Port Jersey Channel, New Jersey, project; and the New York and New Jersey Harbor, New York and New Jersey, project into a single project designated the New York and New Jersey Harbor, New York and New Jersey, project. The conferees have combined the Construction, General and General Investigations budget amounts for these projects and provided \$88,500,000 for the New York and New Jersey Harbor project. The Secretary of the Army is directed to use these funds to continue construction of the combined New York and New Jersey Harbor project to the depths authorized in the Water Resources Development Act of 2000.

The conferees have provided \$8,000,000 to continue the Rural Nevada project. Within the funds provided, the Corps of Engineers is directed to give consideration to projects at Mesquite, Silver Springs, Lawton-Verdi, Moapa, Elko County, McGill, and Boulder City, Nevada.

The conference agreement includes \$3,000,000 for the Mill Creek, Ohio, project as proposed by the House and the Senate. The additional funds provided above the budget request are to be used to accelerate completion of the General Reevaluation Report and develop an early warning system to alert businesses and residents in the watershed of possible floods.

The conference agreement includes \$3,000,000 for the Ohio Environmental Infrastructure program. The amount provided includes \$1,500,000 to assist the City of Springfield, Ohio, with its wastewater treatment and sewer improvement needs.

The conference agreement includes \$10,000,000 for the South Central Pennsylvania Environmental Improvement Program. These funds are available to carry out improvements in Armstrong, Cambria, Indiana, Fayette, Somerset, and Westmoreland Counties in Pennsylvania.

The conference agreement includes \$500,000 for the Corps of Engineers to complete preconstruction engineering and design of the Goshen Dam, Virginia, project. The conferees agree that upon completion of preconstruction engineering and design, the Corps of Engineers may initiate construction of the project using available funds.

The conferees have provided an additional \$500,000 for the Mud Mountain Dam, White River, Washington, project for the design of fish passage facilities.

The conference agreement includes a total of \$41,100,000 for the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project. The amount provided includes funds for the individual project elements as described in the House and Senate reports.

The conference agreement includes \$4,000,000 for the Aquatic Plant Control Program. With the funds provided, the Corps of Engineers is directed to undertake the projects listed in the House and Senate reports. The amount provided for the removal of aquatic weeds in the Lavaca and Navidad Rivers in Texas is \$300,000.

The conferees direct the Corps of Engineers to undertake the projects listed in the House and Senate reports and any additional projects described below for the various continuing authorities programs. For those projects in the continuing authorities program that are named in both the House and Senate reports, the conferees direct the Corps of Engineers to use the higher of the two reports funding recommendation for that project. The recommended funding levels for these programs are as follows: Section 206—\$20,000,000; Section 204—\$1,500,000; Section 14—\$9,000,000; Section 205—\$40,000,000; Section 111—\$1,470,000; Section 107—\$15,000,000; Section 1135—\$20,400,000; Section 103—\$5,000,000; and Section 208—\$1,000,000. The conferees are aware that there are funding requirements for ongoing continuing authorities projects that may not be accommodated within the funds provided for each program. It is not the intent of the conferees that ongoing projects be terminated. If additional funds are needed during the year to keep ongoing work in any program on schedule, the conferees urge the Corps of Engineers to reprogram funds into the program.

The amount provided for the Section 1135 program does not include funds for the Garrows Bend Restoration project in Mobile, Alabama. That project has been funded in the Operation and Maintenance account. The amount provided for the Section 1135 program includes \$250,000 for a feasibility study of restoration activities at Horseshoe Lake, Arkansas, and \$400,000 for the Tunica Lake Weir, Mississippi, project.

The amount provided for the Section 206 program includes \$100,000 for the Milford Pond restoration project in Massachusetts; \$10,000 for the Borough of Fair Haven, Monmouth County, New Jersey, project; and \$10,000 for the Grover's Mill Pond, Township of West Windsor, Mercer County, New Jersey, project. Funds are not included for the Lake Weamaconk, New York, project and the Oak Orchard Creek and Tonawanda Creek Watersheds, New York, project. As part of the fiscal year 2001 appropriations process, the Secretary of the Army was directed to reimburse the East Bay Municipal Utility District for expenses at Penn Mine located in Calaveras County, California. The conferees have learned that reimbursement has not occurred as required. The conferees direct the

Secretary to reimburse the East Bay Municipal Utility District \$4,100,000 from funds previously appropriated under the Section 206 program for costs incurred at Penn Mine for work carried out by East Bay Municipal Utility District for the project. Such amounts shall be made available to the East Bay Municipal Utility District not later than 60 days after the date of enactment of this Act.

The amount provided for the Section 205 program includes \$424,000 for the Sumava, Indiana, project and \$1,000,000 for the Deer Creek, Illinois, project. In addition, the conferees urge the Corps of Engineers to proceed with design of the Mad Creek flood control project in Iowa.

The amount provided for the Section 111 program includes \$170,000 for the Dauphin Island, Alabama, project.

The amount provided for the Section 107 program includes \$3,000,000 for the Lake Shore State Park, Wisconsin, project.

The conferees have included language in the bill earmarking funds for the following projects in the amounts specified: San Timoteo Creek (Santa Ana River Mainstem), California, \$8,000,000; Indianapolis Central Waterfront, Indiana, \$9,000,000; Southern and Eastern Kentucky, \$4,000,000; Clover Fork, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Floyd County, Martin County, and Harlan County, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project, \$15,450,000; and the Lower Mingo County (Kermit), Upper Mingo County (including County Tributaries), Wayne County, and McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project, \$5,900,000.

The conference agreement deletes language proposed by the House regarding the San Gabriel Basin Restoration Fund project. Funds for this project are included in the Bureau of Reclamation's Water and Related Resources account.

The conference agreement includes language proposed by the House which directs the Corps of Engineers to modify the Carr Creek Lake, Kentucky, project to provide additional water supply storage for the Upper Kentucky River Basin.

The conferees have included language proposed by the House directing the Corps of Engineers to undertake design deficiency repairs to the Bois Brule Drainage and Levee District, Missouri, project with cost sharing consistent with the original project authorization and to increase the authorized level of protection of the Bois Brule Drainage and Levee District, Missouri, project from 50 to 100 years.

The conference agreement includes language proposed by the Senate which directs the Corps of Engineers to conduct technical studies of individual ditch systems identified by the State of Hawaii and to assist the State in diversification by helping define the cost of repairing and maintaining selected ditch systems. The conference agreement also includes language proposed by the Senate which directs the Corps of Engineers to use \$1,300,000 to continue construction of the Kaunalapau Harbor, Hawaii, project.

The conferees have agreed to include language proposed by the Senate regarding the Brunswick County Beaches, North Carolina, project. The language has been amended to direct the Corps of Engineers to continue preparation of a General Reevaluation Report for the Oak Island, Caswell Beach, and Holden Beach segments of the project.

The conference agreement includes language proposed by the Senate directing the Corps of Engineers to undertake the Bowie County Levee, Texas, project.

The conferees have included language proposed by the Senate directing the Corps of Engineers to use \$4,000,000 of the funds provided for the Dam Safety and Seepage/Stability Correction program to continue construction of seepage control features at Waterbury Dam, Vermont.

The conference agreement includes language directing the Corps of Engineers to complete the Aloha-Rigolette, Louisiana, project.

The conference agreement includes language directing the Corps of Engineers to proceed with the Shoalwater Bay Shoreline, Washington, project.

The conferees have agreed to include language in the bill directing the Corps of Engineers to proceed with a final design and initiate construction for the repair and replacement of the Jicarilla Municipal Water System in Dulce, New Mexico.

The conference agreement includes language which directs the Corps of Engineers to proceed with the Missouri River Restoration project and which provides that erosion control measures implemented shall be primarily through nonstructural means such as planting of native vegetation, bugger strips, conservation easements, setbacks, and agricultural best management practices.

The conference agreement includes language directing the Corps of Engineers to construct the Dallas Floodway Extension, Texas, project in accordance with the Chief of Engineers report dated December 7, 1999.

The conferees have included language in the bill extending by one year the due date for a progress report required by the Consolidated Appropriations Act, 2001, on implementing a program of environmental infrastructure improvements in northern Wisconsin.

The conference agreement includes language directing the Corps of Engineers to use funds previously appropriated for the Salyersville, Kentucky, project to construct additional recreation improvements at the Buckhorn Lake, Kentucky, project.

The conference agreement includes language directing the Corps of Engineers to initiate construction of the Seward Harbor, Alaska, project in accordance with the Report of the Chief of Engineers dated June 8, 1999.

The conferees have included language directing the Corps of Engineers to use previously appropriated funds to reimburse the City of Venice, Florida, for work accomplished by the City as part of the Sarasota County, Florida, project.

The conference agreement includes language directing the Corps of Engineers to undertake emergency bank protection measures at Lakeshore Park in Knoxville, Tennessee.

The conference agreement includes language proposed by the Senate which directs the Corps of Engineers to continue the Dickenson County, Virginia, Detailed Project Report.

The conferees have included language proposed by the Senate providing that the non-Federal sponsor for the Lebanon, New Hampshire, project shall receive credit toward the non-Federal cost of the project for work performed before execution of the project cooperation agreement.

The conference agreement includes language proposed by the House under Operation and Maintenance regarding the Raritan River Basin, Green Brook Sub-Basin, New Jersey, project. The Senate had proposed similar language under General Provisions, Corps of Engineers—Civil.

The conference agreement deletes language proposed by the Senate regarding the Horseshoe Lake, Arkansas, project. Funds for this project have been included within

the amount provided for the Section 1135 program.

The conference agreement deletes language proposed by the Senate providing funds for the Red River Emergency Bank Protection, Arkansas, project. The amount appropriated for Construction, General includes \$3,000,000 for this project.

The conference agreement deletes language proposed by the Senate regarding the Embrey Dam, Virginia, project. Funds for this project have been included in the amount appropriated for Construction, General.

The conferees direct that \$2,000,000 of the funds provided in the Consolidated Appropriations Act, 2001, for the Abandoned and Inactive Noncoal Mine Restoration Program shall be provided for clean-up activities in Nevada.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

The conference agreement appropriates \$345,992,000 for Flood Control, Mississippi River and Tributaries, instead of \$347,655,000 as proposed by the House and \$328,011,000 as proposed by the Senate.

The conference agreement includes \$45,000,000 for the Channel Improvement construction program. The amount provided includes \$500,000 to initiate dike construction at Keyes Point, Arkansas; Kate Aubrey, Arkansas; and Ashport-Goldust, Arkansas and Tennessee.

The conference agreement includes \$49,547,000 for the Mississippi River Levees construction program. The amount provided includes \$4,100,000 to construct improvements in the vicinity of New Madrid, Missouri, as described in the House Report. In addition, the conferees have included \$600,000 for the Corps of Engineers to prepare a design and cost estimate for the Lower Mississippi River Museum and Riverfront Interpretive Site at Vicksburg, Mississippi, generally in accordance with the conceptual plan prepared by the City of Vicksburg, as authorized by the Water Resources Development Act of 1992, and amended by the Water Resources Development Act of 2000.

The conference agreement includes \$12,000,000 to continue construction of the Grand Prairie project in Arkansas, including construction of features to withdraw water from the White River. The conferees are aware that the irrigation district that would be the local sponsor for this project has not yet been formed. Formation of the district would be a significant step in advancing this project.

The conferees have provided \$25,400,000 for the Atchafalaya Basin project and direct the Corps of Engineers to use these funds for the Bayou Yokely pumping station and other projects within the basin. Further, the conferees restrict funds from being used on any action that would decrease the water quality on Bayou Lafourche until water quality experts responsible for municipal water supplies from the bayou support these project elements.

The conferees recognize that the realization of benefits derived from the Atchafalaya Basin Floodway System project is dependent upon the continuation of construction engineering and design work for water management and recreational features of the Myette Point, Buffalo Cove, and Flat Lake elements. The Corps of Engineers is directed to continue work on these components.

The conference agreement includes language directing the Corps of Engineers to convey certain real property to the Board of Mississippi Levee Commissioners.

OPERATION AND MAINTENANCE, GENERAL

The conference agreement appropriates \$1,874,803,000 for Operation and Maintenance,

General instead of \$1,864,464,000 as proposed by the House and \$1,833,263,000 as proposed by the Senate.

The conference agreement includes \$29,600,000 for the Mobile Harbor, Alabama, project. The amount provided includes \$5,000,000 for the Corps of Engineers to remove, transport, dispose, and remediate sediments in the Arlington Channel and in the Garrows Bend Channel in Mobile Harbor, Alabama, and in areas adjacent to these Federal navigation channels. The conferees have included language in the bill directing the Corps of Engineers to proceed with this work.

The conference agreement includes \$1,000,000 above the budget request for the St. Mary's River, Michigan, project for additional dredging of the lower St. Mary's River.

The conferees have provided \$9,911,000 for the Garrison Dam, Lake Sakakawea, North Dakota, project, an increase of \$800,000 over the budget request. The additional funds are provided for maintenance and upgrading of recreational facilities and for mosquito control in Williston, North Dakota.

Of the amount provided for the Delaware River, Philadelphia to the Sea, project, \$2,000,000 is for the Corps of Engineers to continue construction of facilities to control erosion of the shoreline in the vicinity of Pea Patch Island located in the Delaware River east of Delaware City, Delaware.

The conferees direct the Corps of Engineers to use the funds provided above the budget request for the Francis E. Walter Dam, Pennsylvania, project to conduct a road relocation study at the dam.

The amounts provided above the budget request for the Little Goose Lock and Dam, Washington; The Dalles Lock and Dam, Oregon and Washington; Bonneville Lock and Dam, Oregon and Washington; and John Day Lock and Dam, Oregon and Washington, projects are to fund new requirements implementing the Federal Columbia River Power System biological opinion.

Pursuant to Public Law 105-104 and Public Law 105-105, the States of Alabama, Florida, and Georgia have been engaged in negotiations since 1997 over the reallocation of water storage in Federal reservoirs operated by the Corps of Engineers in the Apalachicola-Chattahoochee-Flint and Alabama-Coosa-Tallapoosa River Basins. The conferees understand that the States may be close to reaching an agreement on new allocation formulas that will reallocate storage at the Federal reservoirs located on these river basins. The conferees recognize that these projects were constructed pursuant to Acts of Congress which prescribed how the reservoirs shall operate. The conferees therefore request that the Corps report to the House and Senate Committees on Appropriations on how the Corps will account for hydropower benefits lost as a result of the new allocation formulas.

The conference agreement includes \$5,000,000 for the transfer of the Fox River project in Wisconsin to the State of Wisconsin. The conferees are aware that additional funds will be required to complete the transfer, and urge the Corps of Engineers to reprogram the necessary funds in fiscal year 2002. If the transfer cannot be completed in fiscal year 2002, it is the intent of the conferees to provide the additional funds in fiscal year 2003 for this effort.

The conferees are aware of the lead-time required to repair and rehabilitate recreational facilities for the upcoming Lewis and Clark Bicentennial Commemoration. Therefore, the Corps of Engineers may, within available funds, perform maintenance and repair of these facilities as is considered necessary to accommodate the anticipated visitor population.

The conference agreement includes language proposed by the House directing the Corps of Engineers to perform cultural resource mitigation and recreation improvements at Waco Lake, Texas. The language has been amended to delete the dollar amount; however, the conference agreement includes \$1,500,000 for this project as proposed by the House.

The conferees have included language proposed by the House which directs the Corps of Engineers to grade the basin within the Hansen Dam feature of the Los Angeles County Drainage Area, California, project to enhance and maintain flood control and provide for future use of the basin for compatible purposes consistent with the Master Plan. The language has been amended to delete the dollar amount; however, the conference agreement includes \$2,000,000 for this work as proposed by the House.

The conference agreement includes language proposed by the House which directs the Corps of Engineers to investigate the development of an upland disposal site recycling program. The language has been amended so that the following projects are to be included in this program: Black Warrior and Tombigbee Rivers; Alabama—Coosa Rivers; and Mobile River. The language has been amended to delete the dollar amount; however, the conference agreement includes \$1,000,000 for the work as proposed by the House.

The conference agreement includes language proposed by the Senate which directs the Corps of Engineers to reimburse the State of Delaware for operation and maintenance costs incurred by the State for the SR1 Bridge over the Chesapeake and Delaware Canal.

The conferees have included language proposed by the Senate directing the Corps of Engineers to remove and reinstall the docks and causeway at Astoria East Boat Basin in Oregon. The language has been amended to also direct the Corps of Engineers to continue the breakwater repairs at the project. The language has also been amended to delete the dollar amount; however, the conference agreement includes \$3,000,000 for this work.

The conferees have included language proposed by the Senate directing the Corps of Engineers to dredge a channel from the mouth of Wheeling Creek to Tunnel Green Park in Wheeling, West Virginia. The language has been amended to delete the dollar amount; however, the conference agreement includes \$2,000,000 for this project as proposed by the Senate.

The conference agreement includes language proposed by the Senate which provides for the development of a long-term dredged material management plan for the Apalachicola, Chattahoochee, and Flint Rivers project. The language has been amended to provide that \$4,900,000 shall be available for the dredged material management plan and the \$8,000,000 shall be available for operation and maintenance of the project.

The conference agreement deletes language proposed by the House regarding the Raritan River Basin, Green Brook Sub-Basin, New Jersey, project. This language has been included under the Construction, General account.

The conference agreement deletes language proposed by the Senate providing funds for a study of the best use of sand dredged from Morehead City Harbor, North Carolina, and providing funds for dredging of the Sagamore Creek Channel in New Hampshire. Funds for these projects have been provided in the amount appropriated for Operation and Maintenance, General.

The conference agreement deletes language proposed by the Senate providing

funds for activities related to selection of a permanent disposal site for environmentally sound dredged material from projects in the State of Rhode Island. Funds for this work are included in the amount provided for the Providence River and Harbor project.

The conferees agree that centralized management of project funds is efficient and is allowed under current guidelines for certain activities. These activities include but are not limited to the program development system known as the Automated Budget System; the National Recreation Reservation System; the provision of uniforms for those required to wear them; the Volunteer Clearinghouse; the Water Safety Program; the transition from government-owned/contractor-operated to private ownership and operation of the SHOALS system; and the Sign Standards Program. The conferees direct the Corps of Engineers to disclose the costs of these activities in its budget justifications.

FLOOD CONTROL AND COASTAL EMERGENCIES (RESCISSION)

The conferees have agreed to rescind \$25,000,000 of the \$50,000,000 appropriated in Public Law 107-20 for Flood Control and Coastal Emergencies. Corps of Engineers requirements under this program have been less than anticipated.

REGULATORY PROGRAM

The conference agreement appropriates \$127,000,000 for the Regulatory Program instead of \$128,000,000 as proposed by the House and the Senate.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

The conference agreement appropriates \$140,000,000 for the Formerly Utilized Sites Remedial Action Program as proposed by the House and the Senate.

REVOLVING FUND

The conferees have learned that the Corps of Engineers is considering a proposal to finance a major new software development from the assets of the Revolving Fund. This Fund was established in 1953 to acquire plant and equipment that would be utilized by more than one project. The conferees have noted that in recent years the Fund has been used to acquire and develop automation systems and have from time to time expressed concern with this use of the Fund. Before the conferees will concur in further use of the Fund in this manner, the Corps is directed to present appropriate justification to the House and Senate Appropriations Subcommittees on Energy and Water Development. This justification must include an appropriate and complete economic analysis.

GENERAL EXPENSES

The conference agreement appropriates \$153,000,000 for General Expenses as proposed by the House and the Senate. The conference agreement includes language proposed by the House which prohibits the use of funds to support a congressional affairs office within the executive office of the Chief of Engineers.

GENERAL PROVISIONS

CORPS OF ENGINEERS-CIVIL

Section 101. The conference agreement includes language proposed by the House di-

recting the Secretary of the Army to transfer property at Tuttle Creek Lake, Kansas, to the Blue Township Fire District, Blue Township, Kansas.

Section 102. The conference agreement includes language proposed by the House which directs the Secretary of the Army to carry out shore protection projects in accordance with the cost sharing provisions contained in existing project cooperation agreements with an amendment to include the text of section 111 of the Senate bill which provides that the Secretary of the Army may not accept or solicit non-Federal contributions for shore protection projects in excess of the minimum requirements established by law.

Section 103. The conference agreement includes language proposed by the Senate which places a limit on credits and reimbursements allowable per project and annually.

Section 104. The conference agreement includes language proposed by the Senate which directs that none of the funds made available in fiscal year 2002 may be used to carry out any activity related to closure or removal of the St. Georges Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay.

Section 105. The conference agreement includes language proposed by the Senate which provides that the non-Federal sponsor for the Lava Hot Springs Restoration project in Idaho shall receive credit for lands, easements, relocations, rights-of-way, and disposal areas acquired before execution of the project cooperation agreement.

Section 106. The conference agreement includes language proposed by the Senate amending the authorization for the Guadalupe River, California, project.

Section 107. The conference agreement includes language proposed by the Senate regarding a designation of nonnavigability for portions of Gloucester County, New Jersey.

Section 108. The conference agreement includes language proposed by the Senate making technical corrections to the authorization for the Nome Harbor, Alaska, project.

Section 109. The conference agreement includes language proposed by the Senate which amends section 211 of the Water Resources Development Act of 2000. The language has been amended to make a technical correction.

Section 110. The conference agreement includes language proposed by the Senate which extends the authorization for appropriations for the Missouri and Middle Mississippi Rivers Enhancement Project by one year.

Section 111. The conference agreement amends language proposed by the Senate regarding the correction of a design deficiency for the Fort Fairfield, Maine, project.

Section 112. The conference agreement includes language proposed by the Senate directing the Secretary of the Army to reassess the allocation of Federal and non-Federal costs for construction of the Cerrillos Dam project in Puerto Rico.

Section 113. The conference agreement includes language proposed by the Senate amending the cost sharing provisions of section 704 of the Water Resources Development Act of 1986.

Section 114. The conference agreement includes language amending the authorization for the Ramapo River at Oakland, New Jersey, project.

Section 115. The conference agreement includes language proposed by the House regarding the use of the dredge McFARLAND. The provision has been amended by deleting the reference to placing the dredge in the active ready reserve. The conferees agree that this limitation on the use of the McFARLAND should not be considered a precedent for any other Corps of Engineers dredge, especially any dredge operating in the ports and harbors of the Northwest, where fewer commercial dredges are available and travel times to move dredges to that part of country are longer than on the east and gulf coasts. The conferees direct the General Accounting Office to conduct an economic and technical study to evaluate the benefits and impacts of the minimum dredge fleet. The study shall include an assessment on the capability and capacity of the private dredging industry to effectively respond to and accomplish the unique work the dredge McFARLAND has historically performed, with the viewpoints of all stakeholders included. The conferees expect the study to be completed within 180 days and the results transmitted to the authorization and appropriations committees.

Section 116. The conference agreement includes language proposed by the Senate regarding revisions to the Missouri River Master Water Control Manual.

Provisions not included in the conference agreement.—The conference agreement does not include language proposed by the House regarding the San Gabriel Basin Restoration Project in California. This matter has been addressed in Title II.

The conference agreement does not include language proposed by the House regarding revisions to the Missouri River Master Water Control Manual.

The conference agreement deletes language proposed by the Senate regarding funding for the Demonstration Erosion Control project in Mississippi, and the Perry Lake, Kansas, project. Funding for those projects is included in the amounts appropriated for Flood Control, Mississippi River and Tributaries, and Operation and Maintenance, General, respectively.

The conference agreement deletes language proposed by the Senate regarding the Mad Creek flood control project, which has been funded within the amount provided for the section 205 program under Construction, General.

The conference agreement deletes language proposed by the Senate regarding dredging of the McClellan-Kerr Arkansas River Navigation Project. The conferees agree that the Corps of Engineers should undertake advance maintenance of the project when appropriate to facilitate the movement of commercial navigation traffic.

The conference agreement deletes language proposed by the Senate regarding the Raritan River Basin, Green Brook Sub-Basin, New Jersey, project. This matter has been addressed under Construction, General.

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
ALABAMA				
ALABAMA RIVER BELOW CLAIBORNE LOCK AND DAM, AL.....	300	---	300	---
BALDWIN COUNTY SHORE PROTECTION, AL.....	100	---	100	---
BALDWIN COUNTY WATERSHEDS, AL.....	50	---	50	---
BAYOU LA BATRE, AL.....	50	---	50	---
BLACK WARRIOR AND TOMBIGBEE RIVERS, AL.....	300	---	---	---
BREWTON AND EAST BREWTON, AL.....	50	---	50	---
CAHABA RIVER WATERSHED, AL.....	160	---	160	---
DOG RIVER, AL.....	250	---	250	---
LUBBUB CREEK, AL.....	50	---	50	---
SPRING CREEK, TUSCUMBIA, AL.....	---	---	100	---
TUSCALOOSA, AL.....	---	---	100	---
VILLAGE CREEK, JEFFERSON COUNTY (BIRMINGHAM WATERSHED)	250	---	250	---
ALASKA				
AKUTAN HARBOR, AK.....	---	100	---	100
ANIAK HARBOR, AK.....	---	---	100	---
ANCHOR POINT HARBOR, AK.....	50	---	50	---
ANCHORAGE HARBOR DEEPENING, AK.....	100	---	500	---
BARROW COASTAL STORM DAMAGE REDUCTION, AK.....	100	---	250	---
CHANDALAR RIVER WATERSHED, VENETIE INDIAN, AK.....	50	---	50	---
CHENA RIVER WATERSHED, AK.....	100	---	100	100
CRAIG HARBOR, AK.....	50	---	50	---
DELONG MOUNTAIN HARBOR, AK.....	200	---	500	---
DOUGLAS HARBOR EXPANSION, AK.....	---	100	---	100
FALSE PASS HARBOR, AK.....	---	100	---	313
FIRE ISLAND CAUSEWAY, AK.....	---	---	100	---
HAINES HARBOR, AK.....	150	---	---	165
HARDING LAKE WATERSHED, AK.....	50	---	100	---

KENAI RIVER BLUFF EROSION, AK.....	---	---	---	---
KETCHIKAN HARBOR, AK.....	50	---	---	---
KOTZEBUE SMALL BOAT HARBOR, AK.....	50	---	---	---
LITTLE DIOMEDE HARBOR, AK.....	50	---	---	---
MEKORYUK HARBOR, AK.....	50	---	---	---
MATANUSKA REOSION CONTROL, AK.....	---	---	---	---
PERRYVILLE HARBOR, AK.....	40	---	---	---
PORT LIONS HARBOR, AK.....	96	---	---	---
QUINHAGAK HARBOR, AK.....	50	---	---	---
SAINTE GEORGE NAVIGATION IMPROVEMENTS, AK.....	50	---	---	---
SHIP CREEK WATERSHED, AK.....	50	---	---	100
SITKA HARBOR, AK.....	50	---	---	---
SKAGWAY HARBOR MODIFICATION, AK.....	138	---	---	---
SKAGWAY RIVER FLOOD CONTROL.....	---	---	---	---
UNALAKLEET HARBOR, AK.....	50	---	---	---
UNALASKA HARBOR, AK.....	---	226	---	226
VALDEZ HARBOR EXPANSION, AK.....	---	150	---	150
WHITTIER BREAKWATER, AK.....	150	---	---	---
TUTUILA HARBOR, AS.....	124	---	---	---
AMERICAN SAMOA				
ARIZONA				
AGUA FRIA RIVER, AZ.....	---	---	---	---
COLONIAS ALONG THE US - MEXICO BORDER, AZ.....	---	---	---	---
GILA RIVER, NORTHEAST PHOENIX DRAINAGE AREA, AZ.....	143	---	---	100
LITTLE COLORADO RIVER, AZ.....	100	---	---	---
PIMA COUNTY, AZ.....	400	---	---	---
RILLITO RIVER, PIMA COUNTY, AZ.....	200	---	---	---
RIO DE FLAG, FLAGSTAFF, AZ.....	---	230	---	750
RIO SALADO ESTE, AZ.....	100	---	---	---
RIO SALADO OESTE, SALT RIVER, AZ.....	300	---	---	---
SANTA CRUZ RIVER, GRANT RD TO FT LOWELL RD, AZ.....	100	---	---	---
SANTA CRUZ RIVER, PASEO DE LAS IGLESIAS, AZ.....	300	---	---	---
TRES RIOS, AZ.....	---	270	---	1,500

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
TUCSON DRAINAGE AREA, AZ.....	---	208	---	410
VA SHLY-AY AKIMEL SALT RIVER RESTORATION PROJECT, AZ..	100	---	400	---
ARKANSAS				
ARKANSAS RIVER LEVEES, AR.....	---	187	---	187
ARKANSAS RIVER NAVIGATION STUDY, AR & OK.....	1,200	---	1,200	---
MAY BRANCH, FORT SMITH, AR.....	---	200	---	200
NORTH LITTLE ROCK, DARK HOLLOW, AR.....	---	400	---	500
PINE MOUNTAIN DAM, AR.....	---	---	---	200
RED RIVER WATERWAY, AR, LA, OK, TX.....	---	---	100	---
RED RIVER NAVIGATION STUDY, SOUTHWEST ARKANSAS, AR....	450	---	500	---
WHITE RIVER BASIN COMPREHENSIVE, AR & MO.....	581	---	581	---
WHITE RIVER MINIMUM FLOWS, AR.....	213	---	363	---
WHITE RIVER NAVIGATION, AR.....	---	---	169	---
CALIFORNIA				
ALISO CREEK MAINSTEM, CA.....	50	---	200	---
AMERICAN RIVER WATERSHED, CA.....	---	2,000	---	2,600
ARANA GULCH WATERSHED, CA.....	---	---	100	---
ARROYO PASAJERO, CA.....	---	20	---	20
ARROYO PASAJERO, CA.....	318	---	480	---
ARROYO SECO WATERSHED, CA.....	---	---	100	---
BALLONA CREEK ECOSYSTEM RESTORATION, CA.....	---	---	100	---
BOLINAS LAGOON ECOSYSTEM RESTORATION, CA.....	---	300	---	750
COYOTE DAM, CA.....	---	---	100	---
CITY OF SAN BERNARDINO, CA.....	---	---	250	---
CITY OF SANTA CLARITA, CA.....	---	---	100	---
CITY OF WESTMINSTER FLOOD CONTROL DRAINAGE STUDY, CA..	100	---	100	---
COAST OF CALIFORNIA, LOS ANGELES COUNTY, CA.....	---	---	400	---
GRAYSON AND MURDERER'S CREEK, WALNUT CREEK, CA.....	---	---	100	---

HUNTINGTON BEACH COASTAL BLUFF EROSION, CA.....	---	---	---	400
LAGUNA DE SANTA ROSA, CA.....	200	---	200	---
LLAGAS CREEK, CA.....	---	250	---	500
LOS ANGELES COUNTY, CA.....	200	---	350	---
LOS ANGELES HARBOR MAIN CHANNEL DEEPENING, CA.....	---	600	---	---
LOS ANGELES RIVER WATERCOURSE IMPROVEMENT, CA.....	100	---	100	---
LOWER MISSION CREEK, CA.....	---	150	---	150
MALIBU CREEK WATERSHED, CA.....	200	---	200	---
MARIN COUNTY SHORELINE, SAN CLEMENTE CREEK, CA.....	50	---	250	---
MARINA DEL REY AND BALLONA CREEK, CA.....	169	---	400	---
MATILAJA DAM, CA.....	400	---	523	---
MIDDLE CREEK, CA.....	---	300	---	300
MOJAVE RIVER FORKS DAM, CA.....	200	---	200	---
MORRO BAY ESTUARY, CA.....	150	---	400	---
MUGU LAGOON, CA.....	250	---	250	---
MURRIETA CREEK, CA.....	---	250	---	1,000
N CA STREAMS, DRY CREEK, MIDDLETOWN, CA.....	150	---	150	---
N CA STREAMS, LOWER CACHE CRK, YOLO CNTY, WOODLAND & V	568	---	568	100
N CA STREAMS, LOWER SACRAMENTO RVR RIPARIAN REVEGETATI	100	---	100	---
NAPA RIVER, SALT MARSH RESTORATION, CA.....	300	---	300	---
NAPA VALLEY WATERSHED MANAGEMENT, CA.....	250	---	250	---
NEWPORT BAY HARBOR, CA.....	---	280	---	600
NEWPORT BAY (LA - 3 SITE DESIGNATION STUDY), CA.....	---	---	300	---
NEWPORT BAY/SAN DIEGO CREEK WATERSHED, CA.....	300	---	450	---
OCEAN BEACH, CA.....	---	---	100	---
ORANGE COUNTY, SANTA ANA RIVER BASIN, CA.....	200	---	200	---
ORANGE COUNTY COAST BEACH EROSION, CA.....	---	---	400	---
ORANGE COUNTY SPECIAL AREA MANAGEMENT PLAN, CA.....	---	---	139	---
PAJARO RIVER AT WATSONVILLE, CA.....	---	750	---	1,000
PAJARO RIVER BASIN STUDY, CA.....	50	---	50	---
PENINSULA BEACH CITY OF LONG BEACH), CA.....	---	---	200	---
PINE FLAT DAM, FISH AND WILDLIFE HABITAT RESTORATION,	---	400	---	400
PORT OF STOCKTON, CA.....	---	---	200	---
POSO CREEK, CA.....	200	---	200	---
RANCHO PALOS VERDES, CA.....	---	100	---	---
REGIONAL CONSERVATION/CONJUNCTIVE USE PROJECT, CA.....	---	---	200	---
RIVERSIDE COUNTY SPECIAL AREA MANAGEMENT PLAN, CA.....	---	---	2,000	---
ROCK CREEK - KEEFER SLOUGH, CA.....	---	---	---	200

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE

BUDGET REQUEST INVESTIGATIONS PLANNING

CONFERENCE INVESTIGATIONS PLANNING

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS PLANNING	CONFERENCE INVESTIGATIONS PLANNING
RUSSIAN RIVER ECOSYSTEM RESTORATION, CA.....	300	300
SACRAMENTO - SAN JOAQUIN DELTA, CA.....	300	300
SACRAMENTO AND SAN JOAQUIN COMPREHENSIVE BASIN STUDY, .	4,479	5,500
SAN BERNARDINO COUNTY, CA.....	200	200
SAN CLEMENTE SHORELINE, CA.....	100	400
SAN DIEGO COUNTY SPECIAL AREA MANAGEMENT PLAN, CA.....	---	1,000
SAN DIEGO COUNTY SHORELINE, CA.....	---	1,000
SAN FRANCISCO BAY, CA.....	300	300
SAN GABRIEL RIVER TO NEWPORT BAY, CA.....	---	400
SAN JACINTO RIVER, CA.....	300	300
SAN JOAQUIN R BASIN, STOCKTON METRO AREA, FARMINGTON D	---	---
SAN JOAQUIN RIVER BASIN, CONSUMNES & MOKELUMNE RIVERS,	200	200
SAN JOAQUIN RIVER BASIN, FRAZIER CREEK, CA.....	350	350
SAN JOAQUIN RIVER BASIN, STOCKTON METROPOLITAN AREA, C	25	100
SAN JOAQUIN RIVER BASIN, STOCKTON METROPOLITAN AREA, C	---	---
SAN JOAQUIN RIVER BASIN, TUOLUMNE RIVER, CA.....	50	50
SAN JOAQUIN RIVER BASIN, WEST STANISLAUS COUNTY, CA...	200	350
SAN JOAQUIN RIVER BASIN, WEST STANISLAUS COUNTY, CA...	160	500
SAN JUAN CREEK, SOUTH ORANGE COUNTY, CA.....	100	100
SAN LUIS OBISPO, CA.....	100	100
SAN PABLO BAY WATERSHED, CA.....	300	300
SANTA ANA RIVER AND TRIBUTARIES, BIG BEAR LAKE, CA.....	---	100
SANTA BARBARA AND VENTURA COUNTY SHORELINE, CA.....	---	100
SANTA CLARA RIVER, CITY OF SANTA CLARITA, CA.....	---	100
SANTA CRUZ PORT, CA.....	---	100
SANTA ROSA CREEK WATERSHED, CA.....	300	300
SANTA YNEZ RIVER, CA.....	100	100
SOLONO BEACH - ENCINITAS, CA.....	---	500
SONOMA CREEK & TRIBUTARIES, CA.....	300	300
SOUTH SACRAMENTO COUNTY STREAMS, CA.....	---	---
STRONG AND CHICKEN RANCH SLOUGHS, CA.....	75	75
SUTTER COUNTY, CA.....	300	300

TIJUANA RIVER ENVIRONMENTAL RESTORATION, CA.....	200	---	200	---	---
TULE RIVER, CA.....	---	400	---	---	---
UPPER GUADALUPE RIVER, CA.....	---	300	---	---	300
UPPER PENITENCIA CREEK, CA.....	300	---	400	---	---
UPPER SANTA ANA RIVER WATERSHED, CA.....	200	---	200	---	---
VENTURA HARBOR SAND BYPASS, CA.....	250	---	400	---	---
WESTMINSTER, CA.....	---	---	300	---	---
WESTSIDE TRIBUTARIES TO YOLO BYPASS, CA.....	---	50	---	---	50
WHITE RIVER AND DEER CREEK, CA.....	25	---	25	---	---
WHITEWATER RIVER BASIN, CA.....	---	---	---	---	1,000
WILDCAT & SAN PABLO CREEKS, CA.....	---	---	100	---	---
YUBA RIVER BASIN, CA.....	---	780	---	---	780
COLORADO					
CHATFIELD, CHERRY CREEK AND BEAR CREEK RESERVOIRS, CO.	250	---	250	---	---
FOUNTAIN CREEK AND TRIBUTARIES, CO.....	---	---	175	---	---
ZUNI AND SUN VALLEY REACHES, SOUTH PLATTE RIVER, CO....	200	---	400	---	---
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS					
ROTA HARBOR MODIFICATIONS, CNMI.....	25	---	25	---	---
TINIAN HARBOR MODIFICATIONS, CNMI.....	25	---	25	---	---
DELAWARE					
CHRISTINA RIVER WATERSHED, DE.....	---	---	100	---	---
DELAWARE COAST FROM CAPE HENLOPEN TO FENWICK ISLAND....	---	---	---	---	200
FLORIDA					
BISCAYNE BAY, FL.....	240	---	240	---	---
EGMONT KEY SHORELINE, FL.....	---	---	500	---	---
ST. LUCIE COUNTY, FL.....	---	---	100	---	---
HILLSBOROUGH RIVER, FL.....	300	---	375	---	---
LAKE WORTH INLET, PALM BEACH COUNTY, FL.....	100	---	100	---	---
PORT EVERGLADES HARBOR, FL.....	---	300	---	---	300
ST PETERSBURG HARBOR, FL.....	---	---	---	---	100
WITHLACOCHEE RIVER, FL.....	300	---	300	---	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
GEORGIA				
ALLATOONA LAKE, GA.....	300	---	300	---
ARABIA MOUNTAIN, GA.....	60	---	60	---
AUGUSTA, GA.....	252	---	252	---
INDIAN, SUGAR, ENTRENCHMENT AND FEDERAL PRISON CREEKS, LONG ISLAND, MARSH AND JOHNS CREEKS, GA.....	100	---	100	---
METRO ATLANTA WATERSHED, GA.....	100	---	100	---
NEW SAVANNAH WATERSHED, GA.....	175	---	175	---
NORTH SAVANNAH BLUFF LOCK AND DAM, GA.....	---	---	---	800
NORTH GEORGIA WATERSHED STUDY, GA.....	---	---	300	---
SAVANNAH HARBOR ECOSYSTEM RESTORATION, GA.....	350	---	350	---
SAVANNAH HARBOR EXPANSION, GA.....	---	400	---	540
SAVANNAH HARBOR SEDIMENT CONTROL WORKS, GA.....	---	---	300	---
SAVANNAH RIVER BASIN COMPREHENSIVE, GA & SC.....	230	---	230	---
UTOY, SANDY AND PROCTOR CREEKS, GA.....	150	---	150	---
HAWAII				
ALA WAI CANAL, OAHU, HI.....	350	---	350	---
BARBERS POINT HARBOR MODIFICATION, OAHU, HI.....	---	100	---	100
HONOLULU HARBOR MODIFICATIONS, OAHU, HI.....	101	---	101	---
KAHUKU, HI.....	50	---	50	---
KAWAIHAE DEEP DRAFT HARBOR MODIFICATIONS, HAWAII, HI..	225	---	225	---
KIHEI AREA EROSION, HI.....	50	---	160	---
NAWILIWILI HARBOR, KAUAI, HI.....	---	---	100	---
WAIKIKI EROSION CONTROL, HI.....	---	50	---	350
WAILUPE STREAM FLOOD CONTROL, OAHU, HI.....	---	---	---	100
IDAHO				
BOISE RIVER, BOISE, ID.....	50	---	50	---

GOOSE CREEK, OAKLEY, ID.....	150	---	---	150	---
KOOTENAI RIVER AT BONNERS FERRY, ID.....	50	---	---	50	---
LITTLE WOOD RIVER, GOODING, ID.....	256	---	---	256	---
PAYETTE AND SNAKE RIVER, ID.....	150	---	---	150	---
ILLINOIS					
ALEXANDER AND PULASKI COUNTIES, IL.....	130	---	---	130	---
DES PLAINES RIVER, IL (PHASE II).....	400	---	---	400	---
ILLINOIS BEACH STATE PARK (INTERIM 1), IL.....	---	---	---	---	250
ILLINOIS RIVER BASIN RESTORATION, IL.....	---	---	---	2,000	---
ILLINOIS RIVER ECOSYSTEM RESTORATION, IL.....	825	---	---	825	---
KANKAKEE RIVER BASIN, IL & IN.....	177	---	---	177	---
NUTWOOD LEVEE, IL.....	---	---	---	400	---
PEORIA RIVERFRONT DEVELOPMENT, IL.....	311	---	---	311	---
PEORIA RIVERFRONT DEVELOPMENT, IL.....	---	415	---	---	415
ROCK RIVER, IL & WI.....	300	---	---	300	---
UPPER MISS & ILLINOIS NAV STUDY, IL, IA, MN, MO & WI..	3,724	---	---	3,724	---
UPPER MISS RIVER COMPREHENSIVE STUDY, IL.....	---	---	---	1,000	---
UPPER MISS RVR SYS FLOW FREQUENCY STUDY, IL, IA, MN, M	1,200	---	---	1,200	---
WAUKEGAN HARBOR, IL.....	---	160	---	---	160
WOOD RIVER LEVEE, IL.....	---	341	---	---	341
INDIANA					
INDIANA HARBOR, IN.....	250	---	---	500	---
JOHN T MYERS LOCKS AND DAM, IN & KY.....	---	2,100	---	---	2,100
LONG LAKE, IN.....	---	---	---	100	---
OHIO RIVER, MADISON, IN.....	---	---	---	100	---
WOLF LAKE, IN & IL.....	100	---	---	---	---
IOWA					
DES MOINES AND RACCOON RIVERS, IA.....	450	---	---	450	---
FORT DODGE, IA.....	---	---	---	420	---
LOWER DES MOINES RIVER, IA & MO.....	---	---	---	100	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
KANSAS				
TOPEKA, KS.....	133	---	133	---
TURKEY CREEK BASIN, KS & MO.....	---	122	---	400
UPPER TURKEY CREEK, KS.....	150	---	250	---
WALNUT AND WHITEWATER RIVER WATERSHEDS, KS.....	200	---	200	---
KENTUCKY				
GREENUP LOCKS AND DAM, OHIO RIVER, KY & OH.....	---	2,372	---	2,372
LICKING RIVER, CYNTHIANA, KY.....	252	---	252	---
METROPOLITAN LOUISVILLE, JEFFERSON COUNTY, KY.....	325	---	325	---
METROPOLITAN LOUISVILLE, MILL CREEK BASIN, KY.....	264	---	264	---
METROPOLITAN LOUISVILLE, SOUTHWEST, KY.....	200	---	200	---
NORTH FORK LICKING RIVER, KY.....	---	---	100	---
OHIO RIVER MAIN STEM SYSTEMS STUDY, KY, IL, IN, PA, WV	1,500	---	1,500	---
LOUISIANA				
AMITE RIVER AND TRIBUTARIES ECOSYSTEM RESTORATION, LA.	300	---	300	---
ASCENSION PARISH, LA.....	100	---	---	---
ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF AND BLACK, L	100	---	300	---
BAYOU SORREL LOCK, LA.....	---	300	---	300
CALCASIEU LOCK, LA.....	400	---	500	---
CALCASIEU RIVER BASIN, LA.....	200	---	300	---
GULF INTERCOASTAL WATERWAY, BANK STABILIZATION AND	---	---	---	---
ECOSYSTEM RESTORATION, LA.....	100	---	100	---
HURRICANE PROTECTION, LA.....	---	---	300	---
JEFFERSON PARISH, LA.....	---	50	---	300
LAFAYETTE PARISH, LA.....	---	400	---	400

LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LA.....	1,072	---	1,072	---	50
ORLEANS PARISH, LA.....	---	50	---	50	---
OUACHITA AND BLACK RIVERS, LA & AR.....	---	---	---	---	---
PLAQUEMINES PARISH URBAN FLOOD CONTROL, LA.....	100	---	---	---	---
PORT OF IBERIA, LA.....	---	---	---	---	---
ST BERNARD PARISH URBAN FLOOD CONTROL, LA.....	300	---	---	---	---
ST CHARLES PARISH URBAN FLOOD CONTROL, LA.....	100	---	---	---	---
ST. JOHN THE BAPTIST PARISH, LA.....	---	---	---	---	---
WEST BATON ROUGE PARISH, LA.....	---	---	---	---	---
WEST SHORE, LAKE PONTCHARTRAIN, LA.....	197	---	---	---	---
MARYLAND					
ANACOSTIA RIVER FEDERAL WATERSHED IMPACT ASSESSMENT, M	458	---	458	---	---
ANACOSTIA RIVER, PG COUNTY LEVEE, MD & DC.....	240	---	240	---	---
BALTIMORE METRO, GWYNNS FALLS, MD.....	---	50	---	50	---
CHESAPEAKE BAY SHORELINE, MD, VA, PA & DE.....	---	---	---	---	---
CUMBERLAND, MD.....	---	175	---	175	---
EASTERN SHORE, MD.....	250	---	250	---	---
LOWER POTOMAC ESTUARY WATERSHED, MATTAWOMAN, MD.....	87	---	87	---	---
LOWER POTOMAC ESTUARY WATERSHED, ST MARY'S, MD.....	190	---	190	---	---
MIDDLE POTOMAC WATERSHED STUDY, MD & VA.....	---	---	---	---	---
SMITH ISLAND ENVIRONMENTAL RESTORATION, MD.....	---	300	---	300	---
MASSACHUSETTS					
BLACKSTONE RIVER WATERSHED RESTORATION, MA & RI.....	100	---	100	---	---
BOSTON HARBOR, MA (45-FOOT CHANNEL).....	300	---	300	---	---
COASTAL MASSACHUSETTS ECOSYSTEM RESTORATION, MA.....	100	---	100	---	---
MUDDY RIVER, BROOKLINE AND BOSTON, MA.....	---	330	---	330	---
SOMERSET AND SEARSBURG DAMS, DEERFIELD RIVER, MA & VT.	100	---	100	---	---
MICHIGAN					
BELLE ISLE SHORELINE, DETROIT, MI.....	---	---	---	---	---
CASS RIVER, VASSAR, MI.....	150	---	150	---	---
DETROIT RIVER ENVIRONMENTAL DREDGING, MI.....	100	---	100	---	---
---	200	---	200	---	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	PLANNING	CONFERENCE INVESTIGATIONS	PLANNING
DETROIT RIVER MASTER PLAN, MI.....	---	---	100	---
GREAT LAKES NAV SYST STUDY, MI, IL, IN, MN, NY, OH, PA	501	---	501	---
ROUGE RIVER WATERSHED, MI.....	---	---	200	---
SAULT STE MARIE (REPLACEMENT LOCK), MI.....	---	1,530	---	---
ST CLAIR RIVER AND LAKE ST CLAIR, MI.....	---	---	200	---
MINNESOTA				
LOWER ST ANTHONY FALLS RAPIDS RESTORATION, MN.....	---	100	---	---
MINNESOTA DAM SAFETY, MN.....	---	---	600	---
RED RIVER OF THE NORTH BASIN, MN, ND, SD & MANITOBA, C	500	---	500	---
UPPER MISS RIVER WATERSHED MGMT, LAKE ITASCA TO L/D 2,	200	---	200	---
MISSISSIPPI				
HANCOCK COUNTY, MS.....	---	---	100	---
MISSISSIPPI GULF COAST, MS.....	---	---	100	---
MISSOURI				
CHESTERFIELD, MO.....	---	605	---	605
HANNIBAL HARBOR, MO.....	175	---	175	---
KANSAS CITIES, MO & KS.....	580	---	900	---
MISSOURI RIVER LEVEE SYSTEM, UNITS L455 & R460-471, MO	180	---	180	---
NEW MADRID HARBOR, MO.....	---	---	50	---
RIVER DES PERES, MO.....	---	242	---	242
ST LOUIS FLOOD PROTECTION, MO.....	---	98	---	98
ST LOUIS HARBOR, MO & IL.....	---	284	---	284
ST LOUIS RIVERFRONT, MO & IL.....	---	---	500	---
SPRINGFIELD, MO.....	---	---	100	---

SWOPE PARK INDUSTRIAL AREA, KANSAS CITY, MO.....	---	150	---	150	---
WEARS CREEK, JEFFERSON, MO.....	---	---	100	---	---
MONTANA					
LOWER YELLOWSTONE RIVER DIVERSION DAM, MT.....	---	25	---	25	---
YELLOWSTONE RIVER CORRIDOR, MT.....	325	---	325	---	---
NEBRASKA					
ANTELOPE CREEK, LINCOLN, NE.....	---	400	---	400	---
LOWER PLATTE RIVER AND TRIBUTARIES, NE.....	350	---	350	---	---
LOWER PLATTE RIVER WATERSHED, NE.....	---	---	200	---	---
SAND CREEK WATERSHED, WAHOO, NE.....	---	656	---	656	---
WESTERN SARPY AND CLEAR CREEK, NE.....	---	90	---	90	590
NEVADA					
LAS VEGAS WASH, NORTH LAS VEGAS, NV.....	---	---	100	---	---
LOWER LAS VEGAS WASH WETLANDS, NV.....	50	---	725	---	---
TAHOE BASIN, NV & CA.....	---	---	1,000	---	---
TRUCKEE MEADOWS, NV.....	---	500	---	500	---
WALKER RIVER BASIN, NV.....	200	---	200	---	---
NEW HAMPSHIRE					
CONNECTICUT RIVER ECO SYSTEM RESTORATION, NH & VT.....	---	---	100	---	---
MERRIMACK RIVER BASIN, NH.....	300	---	500	---	---
NEW JERSEY					
BARNEGAT BAY, NJ.....	---	300	---	300	---
BARNEGAT INLET TO LITTLE EGG HARBOR, NJ.....	---	263	---	263	---
GOFFLE BROOK, BOROUGH OF HAWTHORNE, NJ.....	---	---	100	---	---
GREAT EGG INLET TO TOWNSEND INLET, NJ.....	---	69	---	69	---
HUDSON - RARITAN ESTUARY, LOWER PASSAIC RIVER, NJ.....	200	---	200	---	---
LOWER PASSAIC RIVER, NJ.....	75	---	400	---	---
MANASQUAN INLET TO BARNEGAT INLET, NJ.....	---	68	---	68	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
NEW JERSEY INTRACOASTAL WATERWAY, ENV RESTORATION, NJ.	---	150	---	150
NEW JERSEY SHORE PROTECTION, HERFORD/CAPE MAY INLET...	---	---	200	---
NEW JERSEY SHORELINE ALTERNATIVE LONG-TERM NOURISHMENT	---	---	250	---
PASSAIC RIVER, HARRISON, NJ.....	---	100	---	400
PECKMAN RIVER, NJ.....	---	---	100	---
RAHWAY RIVER BASIN, NJ.....	100	---	230	---
RARITAN BAY AND SANDY HOOK BAY, HIGHLANDS, NJ.....	50	---	300	---
RARITAN BAY AND SANDY HOOK BAY, KEYPORT, NJ.....	---	---	350	---
RARITAN BAY AND SANDY HOOK BAY, LEONARDO, NJ.....	250	---	450	---
RARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NJ.....	---	100	---	500
RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NJ.....	44	---	44	150
SHREWSBURY RIVER AND TRIBUTARIES, NJ.....	50	---	250	---
SOUTH RIVER, RARITAN RIVER BASIN, NJ.....	---	100	---	400
STONY BROOK, MILLSTONE RIVER BASIN, NJ.....	100	---	250	---
UPPER PASSAIC RIVER AND TRIBUTARIES, NJ.....	169	---	169	---
UPPER ROCKAWAY RIVER, NJ.....	200	---	200	---
WOODBRIIDGE RIVER BASIN, NJ.....	100	---	250	---
NEW MEXICO				
MIDDLE RIO GRANDE, BOSQUE, NM.....	---	---	350	---
NAVAJO NATION, NM, AZ & VT.....	---	---	100	---
RIO GRANDE BASIN, NM, CO & TX.....	300	---	300	---
SANTA FE, NM.....	---	---	100	---
SW VALLEY FLOOD DAMAGE REDUCTION STUDY, NM.....	---	---	475	---
NEW YORK				
AUSABLE RIVER BASIN, ESSEX AND CLINTON COUNTIES, NY....	50	---	50	---
BOQUET RIVER AND TRIBUTARIES, ESSEX COUNTY, NY.....	50	---	50	---
BRONX RIVER BASIN, NY.....	50	---	300	---
DELAWARE RIVER BASIN COMPREHENSIVE, NY,NJ,DE,PA.....	---	---	500	---

FLUSHING BAY AND CREEK, NY.....	409	---	---	---
FREEPORT CREEK, VILLAGE OF FREEPORT, NY.....	75	---	---	---
HUDSON - RARITAN ESTUARY, GOWANUS CANAL, NY & NJ.....	400	---	---	---
HUDSON - RARITAN ESTUARY, NY & NJ.....	1,369	---	---	---
JAMAICA BAY, MARINE PARK AND PLUMB BEACH, ARVERNE, NY.	50	---	---	---
JAMAICA BAY, MARINE PARK AND PLUMB BEACH, NY.....	400	---	---	---
LAKE MONTAUK HARBOR, NY.....	100	---	---	---
LINDENHURST, NY.....	50	---	---	---
NEW YORK AND NEW JERSEY HARBOR, NY & NJ.....	---	2,500	---	---
NEW YORK HARBOR ANCHORAGE AREAS, NY.....	200	---	---	---
NORTH SHORE OF LONG ISLAND, ASHAROKEN, NY.....	50	---	---	---
NORTH SHORE OF LONG ISLAND, BAYVILLE, NY.....	100	---	---	---
ONONDAGA LAKE, NY.....	350	---	---	---
SAW MILL RIVER AND TRIBUTARIES, NY.....	50	---	---	---
SOUTH SHORE OF LONG ISLAND, NY.....	50	---	---	---
SOUTH SHORE OF STATEN ISLAND, NY.....	209	---	---	---
UPPER DELAWARE RIVER WATERSHED, NY.....	160	---	---	---
UPPER SUSQUEHANNA RIVER BASIN, NY.....	---	---	---	---
NORTH CAROLINA				
BOGUE BANKS, NC.....	400	---	---	---
CURRITUCK SOUND, NC.....	200	---	---	---
DARE COUNTY BEACHES, NC.....	100	---	---	---
DARE COUNTY BEACHES, NC (BODIE ISLAND PORTION).....	---	500	---	1,000
LOCKWOODS FOLLY RIVER, NC.....	83	---	---	---
NEUSE RIVER BASIN, NC.....	100	---	---	---
SURF CITY AND NORTH TOPSAIL BEACH, NC.....	100	---	---	---
TENNESSEE RIVER AND TRIBS, FRANKLIN, MACON COUNTY, NC.	155	---	---	---
NORTH DAKOTA				
DEVILS LAKE, ND.....	---	1,700	---	1,700
GRAFTON, PARK RIVER, ND.....	---	60	---	60
OHIO				
ASHTABULA RIVER ENVIRONMENTAL DREDGING, OH.....	---	583	---	583

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
BELPRE RIVERFRONT PARK, OH.....	---	---	200	---
BUTLER COUNTY, OH.....	100	---	100	---
HOCKING RIVER BASIN ENV RESTORATION, MONDAY CREEK, OH.	178	---	178	---
HOCKING RIVER BASIN ENV RESTORATION, SUNDAY CREEK, OH.	200	---	200	---
LOWER BIG DARBY CREEK BASIN ENVIRONMENTAL RESTORATION,	370	---	370	---
MAHONING RIVER ENVIRONMENTAL DREDGING, HOH.....	---	---	300	---
MUSKINGUM BASIN SYSTEM STUDY, OH.....	400	---	400	---
OHIO RIVERFRONT STUDY, CINCINNATI, OH.....	---	---	100	---
RICHLAND COUNTY, OH.....	200	---	200	---
UPPER BIG DARBY CREEK BASIN ENVIRONMENTAL RESTORATION,	65	---	65	---
WESTERN LAKE ERIE BASIN, OH.....	---	---	300	---
OKLAHOMA				
CIMARRON RIVER AND TRIBUTARIES, OK, KS, NM & CO.....	226	---	226	---
MIAMI AND VICINITY, OK.....	---	---	300	---
OLOGAH LAKE WATERSHED STUDY, OK.....	---	---	350	---
SOUTHEAST OKLAHOMA WATER RESOURCE STUDY, OK.....	200	---	250	---
WARR ACRES, OK.....	174	---	174	---
WJSTER LAKE WATERSHED, OK.....	---	---	375	---
OREGON				
AMAZON CREEK, OR.....	---	---	100	---
LOWER COLUMBIA RIVER ECOSYSTEM RESTORATION, OR & WA...	135	---	135	---
TILLAMOOK BAY AND ESTUARY ECOSYSTEM RESTORATION, OR...	500	---	500	---
WILLAMETTE RIVER BASIN REVIEW, OR.....	130	---	130	---
WILLAMETTE RIVER ENVIRONMENTAL DREDGING, OR.....	369	---	369	---
WILLAMETTE RIVER FLOODPLAIN RESTORATION, OR.....	170	---	170	---

PENNSYLVANIA

BLOOMSBURG, PA..... 250 ---
 SCHUYLKILL RIVER, WISSAHICKON, PA..... 100 ---

RHODE ISLAND

QUONSET DAVISVILLE PORT, RI..... 150 ---
 RHODE ISLAND ECOSYSTEM RESTORATION, RI..... 50 ---
 RHODE ISLAND SOUTH COAST, HABITAT REST & STRM DMG REDU 160 ---

SOUTH CAROLINA

ATLANTIC INTRACOASTAL WATERWAY, SC..... 655 ---
 BROAD RIVER BASIN, SC..... 125 ---
 CHARLESTON ESTUARY, SC..... 50 ---
 CHARLESTON HARBOR, SC..... 500 ---
 PAWLEYS ISLAND, SC..... 100 ---
 PAWLEYS ISLAND, SC..... 25 ---
 REEDY RIVER, SC..... 100 ---
 SANTEE DELTA ENVIRONMENTAL RESTORATION, SC..... 100 ---
 WACCAMAW RIVER, SC..... 195 ---
 YADKIN - PEE DEE RIVER WATERSHED, SC & NC..... 50 ---

SOUTH DAKOTA

NIOBRARA RIVER AND MISSOURI RIVER, SD..... 25 ---

TENNESSEE

CHICKAMAUGA LOCK, TN..... --- 500
 DAVIDSON COUNTY, TN..... 105 ---
 FORT DEFIANCE, MONTGOMERY COUNTY, CLARKSVILLE, TN..... 100 ---
 FRENCH BROAD WATERSHED, TN..... 280 ---

TEXAS

BOIS D'ARC CREEK, BONHAM, TX..... 200 ---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
BRAZORIA COUNTY, TX.....	---	---	100	---
BRAZOS ISLAND HARBOR, BROWNSVILLE CHANNEL, TX.....	---	---	100	---
BUFFALO BAYOU AND TRIBUTARIES, WHITE OAK BAYOU, TX.....	150	---	1,100	---
CEDAR BAYOU, TX.....	---	---	---	400
COLONIAS-LWR RIO GRANDE BASIN ALONG TX & MEXICO BORDER	---	100	---	400
CORPUS CHRISTI SHIP CHANNEL, LAQUINTA CHANNEL, TX.....	378	---	378	---
CORPUS CHRISTI SHIP CHANNEL, TX.....	572	---	572	---
FREEPOR HARBOR, TX.....	---	---	100	---
FREEPOR HURRICANE PROTECTION LEVEE, TX.....	100	---	100	---
GIWW MODIFICATIONS, TX.....	400	---	400	---
GIWW, BRAZOS RIVER TO PORT O'CONNOR, TX.....	810	---	810	---
GIWW, HIGH ISLAND TO BRAZOS RIVER, TX.....	---	540	---	540
GIWW, MATAGORDA BAY, TX.....	---	200	---	800
GIWW, PORT O'CONNOR TO CORPUS CHRISTI BAY, TX.....	600	---	600	---
GREENS BAYOU, HOUSTON, TX.....	---	190	---	377
GUADALUPE AND SAN ANTONIO RIVER BASINS, TX.....	200	---	500	---
LOWER COLORADO RIVER BASIN, TX.....	950	---	950	---
MIDDLE BRAZOS RIVER, TX.....	100	---	100	---
NUECES RIVER & TRIBUTARIES, TX.....	---	---	100	---
NORTH BOSQUE RIVER, TX.....	---	100	---	100
NORTH PADRE ISLAND, CORPUS CHRISTI, TX.....	---	130	---	130
NORTHWEST EL PASO, TX.....	250	---	250	---
RAYMONDVILLE DRAIN, TX.....	---	50	---	750
RESACAS AT BROWNSVILLE, TX.....	100	---	325	---
SABINE - NECHES WATERWAY, TX.....	650	---	650	---
SABINE PASS TO GALVESTON BAY, TX.....	450	---	700	---
SPARKS ARROYO COLONIA, EL PASO COUNTY, TX.....	---	---	---	100
SOUTH MAIN CHANNEL, TX.....	---	380	---	600
SULPHUR RIVER ENVIRONMENTAL RESTORATION, TX.....	---	---	200	---
TEXAS CITY CHANNEL, TX.....	---	---	250	---
UPPER TRINITY RIVER BASIN, TX.....	650	---	1,200	---

UTAH

PARK CITY, UT..... 100 --- ---
 PROVO AND VICINITY, UT..... 100 --- ---

VIRGINIA

AIW, BRIDGES AT DEEP CREEK, VA..... 475 --- ---
 CHESAPEAKE BAY SHORELINE, HAMPTON, VA..... 100 --- ---
 ELIZABETH RIVER, HAMPTON ROADS, VA..... 284 --- ---
 FOUR MILE RUN, VA..... 100 --- ---
 GOSHEN DAM, VA..... 500 --- ---
 JAMES RIVER CHANNEL, VA..... 295 --- ---
 JOHN H KERR DAM AND RESERVOIR, VA & NC (SECTION 216).. 400 --- ---
 LYNHAVEN RIVER, VA..... 100 --- ---
 NORFOLK HARBOR AND CHANNELS, CRANEY ISLAND, VA..... 946 --- ---
 POWELL RIVER WATERSHED, VA..... 100 --- ---

WASHINGTON

BELLINGHAM BAY, WA..... 300 --- ---
 CENTRALIA, WA..... 500 --- ---
 CHEHALIS RIVER BASIN, WA..... 250 --- ---
 COMMENCEMENT BAY, WA..... 100 --- ---
 DUWAMISH AND GREEN RIVER BASIN, WA..... 250 --- ---
 HOWARD HANSON DAM, WA..... 500 --- ---
 LAKE WASHINGTON SHIP CANAL, WA..... 1,050 --- ---
 OCEAN SHORES, WA..... 50 --- ---
 PUGET SOUND CONFINED DISPOSAL SITES, WA..... 225 --- ---
 PUGET SOUND NEARSHORE MARINE HABITAT RESTORATION, WA.. 200 --- ---
 SKAGIT RIVER, WA..... 200 --- ---
 SKOKOMISH RIVER BASIN, WA..... 50 --- ---
 STILLAGUAMISH RIVER BASIN, WA..... 50 --- ---
 WALLA WALLA WATERSHED, WA..... 1,000 --- ---
 WHITE RIVER BASIN, WA..... 100 --- ---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
WEST VIRGINIA				
ERICKSON/WOOD COUNTY PUBLIC PORT, WV.....	---	---	---	600
ISLAND CREEK AT LOGAN, WV.....	---	483	---	983
LITTLE KANAWHA RIVER, WV.....	---	---	100	---
MERCER COUNTY, WV.....	---	100	---	100
NEW RIVER BASIN, WV, NC & VA.....	200	---	200	---
PARKERSBURG/VIENNA, WV.....	---	---	---	300
WEIRTON PORT, WV.....	---	---	---	400
WISCONSIN				
BARABOO RIVER, WI.....	240	---	240	---
WYOMING				
JACKSON HOLE RESTORATION, WY.....	---	175	---	175
MISCELLANEOUS				
COASTAL FIELD DATA COLLECTION.....	2,200	---	3,200	---
ENVIRONMENTAL DATA STUDIES.....	100	---	100	---
FLOOD DAMAGE DATA.....	400	---	400	---
FLOOD PLAIN MANAGEMENT SERVICES.....	8,200	---	9,500	---
GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.....	---	---	200	---
GREAT LAKES REMEDIAL ACTION PROGRAM (SEC. 401).....	---	---	2,000	---
HYDROLOGIC STUDIES.....	500	---	500	---
INTERNATIONAL WATER STUDIES.....	500	---	500	---
JOHN GLENN GREAT LAKES BASIN PROGRAM.....	---	---	500	---
NATIONAL SHORELINE.....	300	---	300	---
OTHER COORDINATION PROGRAMS.....	7,200	---	7,200	---

PLANNING ASSISTANCE TO STATES.....	6,500	---	6,900	---
PRECIPITATION STUDIES (NATIONAL WEATHER SERVICE).....	400	---	400	---
PROJECT MONITORING.....	100	---	---	---
REMOTE SENSING/GEOGRAPHIC INFORMATION SYSTEM SUPPORT..	300	---	300	---
RESEARCH AND DEVELOPMENT.....	24,000	---	29,300	---
SCIENTIFIC AND TECHNICAL INFORMATION CENTERS.....	100	---	100	---
STREAM GAGING (U.S. GEOLOGICAL SURVEY).....	700	---	700	---
TRANSPORTATION SYSTEMS.....	700	---	700	---
TRI-SERVICE CADD/GIS TECHNOLOGY CENTER.....	650	---	650	---
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE.....	-24,050	---	-68,119	---
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TOTAL, GENERAL INVESTIGATIONS.....	96,274	33,726	107,971	46,379
	=====	=====	=====	=====

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
ALABAMA		
MOBILE HARBOR, AL.....	2,300	2,300
WALTER F GEORGE POWERHOUSE AND DAM, AL & GA (MAJOR REH	12,325	11,325
WALTER F GEORGE POWERPLANT, AL & GA (MAJOR REHAB).....	3,000	3,000
ALASKA		
CHIGNIK HARBOR, AK.....	3,300	3,300
NOME HARBOR IMPROVEMENTS, AK.....	2,200	2,200
ST PAUL HARBOR, AK.....	700	700
SEWARD HARBOR, AK.....	---	1,000
WRANGELL HARBOR, AK.....	---	1,000
ARIZONA		
NOGALES WASH & TRIBUTARIES, AZ.....	---	500
RIO SALADO, PHOENIX AND TEMPE REACHES, AZ.....	13,200	20,000
ARKANSAS		
FOURCHE BAYOU BASIN, AR.....	---	180
GREERS FERRY LAKE WATER LINE, AR.....	---	300
MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR.	3,000	3,000
MONTGOMERY POINT LOCK AND DAM, AR.....	18,000	23,000
RED RIVER WATERWAY, INDEX, AR TO DENISON DAM, TX.....	---	3,000
RED RIVER EMERGENCY BANK PROTECTION, AR.....	---	3,000
RED RIVER BELOW DENISON DAM, AR, LA, OK & TX.....	---	2,000
CALIFORNIA		
AMERICAN RIVER WATERSHED, CA.....	13,000	14,000
AMERICAN RIVER WATERSHED, CA (FOLSOM DAM MODIFICATIONS	4,500	7,000
CAMBRIA SEAWATER DESALINATION, CA.....	---	100
CITY OF SANTA CLARITA, CA.....	---	1,500
CORTE MADERA CREEK, CA.....	250	250
COYOTE AND BERRYESSA CREEKS, CA.....	600	750
FARMINGTON RECHARGE DEMONSTRATION PROGRAM, CA.....	---	600
GUADALUPE RIVER, CA.....	4,000	8,000
HAMILTON AIRFIELD WETLANDS RESTORATION, CA.....	1,000	4,500
HARBOR/SOUTH BAY WATER RECYCLING, CA.....	---	5,000
IMPERIAL BEACH, SILVER STRAND SHORELINE, CA.....	500	929
KAWEAH RIVER, CA.....	3,000	4,500
LOS ANGELES HARBOR MAIN CHANNEL DEEPENING, CA.....	---	2,825
LOWER SACRAMENTO AREA LEVEE RECONSTRUCTION, CA.....	1,431	1,431
LOWER WALNUT CREEK, CA.....	---	250
MARYSVILLE/YUBA CITY LEVEE RECONSTRUCTION, CA.....	4,075	4,075
MERCED COUNTY STREAMS, CA.....	500	500
MID-VALLEY AREA LEVEE RECONSTRUCTION, CA.....	2,263	2,263
NAPA RIVER, CA.....	5,500	7,000
OAKLAND HARBOR, CA (50 FOOT PROJECT).....	2,000	10,000
PETALUMA RIVER, CA.....	---	7,000
SACRAMENTO RIVER BANK PROTECTION PROJECT, CA.....	2,326	2,326
SACRAMENTO RIVER DEEP WATER SHIP CHANNEL, CA.....	---	300
SACRAMENTO RIVER, GLENN-COLUSA IRRIGATION DISTRICT, CA	2,284	4,000
SAN FRANCISCO BAY TO STOCKTON, CA.....	250	250
SAN LORENZO RIVER, CA.....	3,490	3,490
SAN RAMON VALLEY RECYCLED WATER, CA.....	---	500
SANTA ANA RIVER MAINSTEM, CA.....	26,800	34,800
SANTA BARBARA HARBOR, CA.....	100	100
SANTA PAULA CREEK, CA.....	1,700	1,700
SOUTH SACRAMENTO COUNTY STREAMS, CA.....	---	2,100
STOCKTON METROPOLITIAN FLOOD CONTROL REIMBURSEMENT, CA	1,000	6,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE

ALABAMA		
SUCCESS DAM, TULE RIVER, CA (DAM SAFETY).....	1,000	1,000
SURFSIDE - SUNSET - NEWPORT BEACH, CA.....	300	2,500
TULE RIVER, CA.....	---	1,125
UPPER SACRAMENTO AREA LEVEE RECONSTRUCTION, CA.....	1,463	1,463
WEST SACRAMENTO, CA.....	1,368	1,368
DELAWARE		
DELAWARE BAY COASTLINE, ROOSEVELT INLET/LEWES BEACH, D	---	500
DELAWARE COAST PROTECTION, DE.....	270	353
DELAWARE COAST, REHOBOTH BEACH TO DEWEY BEACH, DE.....	100	100
FLORIDA		
BREVARD COUNTY, FL.....	200	6,000
BROWARD COUNTY, FL (REIMBURSABLE).....	200	1,000
CANAVERAL HARBOR, FL.....	5,701	5,701
CENTRAL AND SOUTHERN FLORIDA, FL.....	95,278	95,278
DADE COUNTY, FL.....	8,000	12,000
DUVAL COUNTY, FL.....	---	2,000
EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FL	19,876	19,876
FLORIDA KEYS WATER QUALITY IMPROVEMENTS, FL.....	---	500
FORT PIERCE BEACH, FL.....	---	500
JACKSONVILLE HARBOR, FL.....	1,457	5,300
JIM WOODRUFF LOCK AND DAM POWERHOUSE, FL & GA (MAJOR R	4,300	4,300
KISSIMMEE RIVER, FL.....	25,846	25,846
MANATEE COUNTY, FL.....	---	1,000
MANATEE HARBOR, FL.....	1,000	1,000
MARTIN COUNTY, FL.....	---	2,000
MIAMI HARBOR CHANNEL, FL.....	5,274	5,274
PALM BEACH COUNTY, FL (REIMBURSEMENT).....	200	2,000
PALM VALLEY BRIDGE, FL.....	7,299	7,299
PANAMA CITY HARBOR, FL.....	1,215	1,215
PINELLAS COUNTY, FL.....	---	2,000
PORT EVERGLADES, FL.....	---	3,000
ST JOHN'S COUNTY, FL.....	300	2,000
ST LUCIE INLET, FL.....	---	4,000
TAMPA HARBOR, FL.....	500	500
GEORGIA		
BRUNSWICK HARBOR, GA.....	4,084	7,000
BUFORD POWERHOUSE, GA (MAJOR REHAB).....	3,000	3,000
HARTWELL LAKE POWERHOUSE, GA & SC (MAJOR REHAB).....	4,500	4,500
LOWER SAVANNAH RIVER BASIN, GA & SC.....	1,300	1,300
OATES CREEK, RICHMOND COUNTY, GA (DEF CORR).....	632	632
RICHARD B RUSSELL DAM AND LAKE, GA & SC.....	3,000	3,000
THURMOND LAKE POWERHOUSE, GA & SC (MAJOR REHAB).....	6,500	6,500
HAWAII		
HAWAII WATER MANAGEMENT, HI.....	---	200
IAO STREAM FLOOD CONTROL, MAUI, HI (DEF CORR).....	400	400
KAUMALAPAU HARBOR, HI.....	---	1,300
KIKIAOLA SMALL BOAT HARBOR, KAUAI, HI.....	1,275	1,275
MAALAEA HARBOR, MAUI, HI.....	325	325

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
ILLINOIS		
CHAIN OF ROCKS CANAL, MISSISSIPPI RIVER, IL (DEF CORR)	3,617	3,617
CHICAGO SHORELINE, IL.....	24,000	25,000
COOK COUNTY, IL.....	---	500
DEL PLAINES RIVER, IL.....	---	500
EAST ST LOUIS, IL.....	1,000	1,000
EAST ST LOUIS INTERIOR FLOOD CONTROL, IL.....	---	688
LOCK AND DAM 24, MISSISSIPPI RIVER, IL & MO (MAJOR REH	8,038	8,038
LOVES PARK, IL.....	1,600	1,600
MADISON/ST CLAIR COUNTIES, IL.....	---	1,000
MCCOOK AND THORNTON RESERVOIRS, IL.....	10,000	17,000
MELVIN PRICE LOCK AND DAM, IL & MO.....	500	500
OLMSTED LOCKS AND DAM, OHIO RIVER, IL & KY.....	34,000	40,000
UPPER MISS RVR SYSTEM ENV MGMT PROGRAM, IL, IA, MN, MO	21,000	20,000
INDIANA		
CALUMET REGION, IN.....	---	3,000
CITY OF INDIANAPOLIS, IN.....	---	250
INDIANA HARBOR, IN (CONFINED DISPOSAL FACILITY).....	5,000	5,000
INDIANA SHORELINE EROSION, IN.....	---	1,000
INDIANAPOLIS CENTRAL WATERFRONT, IN.....	---	9,000
INDIANAPOLIS, WHITE RIVER (NORTH), IN.....	3,600	3,600
LITTLE CALUMET RIVER, IN.....	4,000	4,500
MISSISSINAWA LAKE, IN (MAJOR REHAB).....	8,500	9,000
OHIO RIVER GREENWAY PUBLIC ACCESS, IN.....	2,400	2,400
IOWA		
LOCK AND DAM 11, MISSISSIPPI RIVER, IA (MAJOR REHAB)..	---	500
LOCK AND DAM 12, MISSISSIPPI RIVER, IA (MAJOR REHAB)..	4,906	4,906
MISSOURI RIVER FISH AND WILDLIFE MITIGATION, IA, NE, K	11,000	12,609
MISSOURI RIVER LEVEE SYSTEM, IA, NE, KS & MO.....	8,500	9,200
PERRY CREEK, IA.....	4,000	4,000
KANSAS		
ARKANSAS CITY, KS.....	3,050	5,100
KENTUCKY		
CARR CREEK LAKE, KY.....	---	1,000
DEWEY LAKE, KY (DAM SAFETY).....	2,900	4,500
KENTUCKY LOCK AND DAM, TENNESSEE RIVER, KY.....	14,400	22,000
LOUISVILLE WATERFRONT, KY.....	---	500
MCALPINE LOCKS AND DAM, OHIO RIVER, KY & IN.....	13,632	18,632
METROPOLITAN LOUISVILLE, BEARGRASS CREEK, KY.....	2,575	2,575
METROPOLITAN LOUISVILLE, POND CREEK, KY.....	1,400	1,400
POND CREEK, KY.....	---	425
SOUTHERN AND EASTERN KENTUCKY, KY.....	---	4,000
LOUISIANA		
ALOHA - RIGOLETTE, LA.....	---	200
ASCENSION PARISH (ENV. INFRASTRUCTURE), LA.....	---	150
COMITE RIVER, LA.....	500	7,000
EAST BATON ROUGE PARISH, LA.....	---	1,000
EAST BATON ROUGE PARISH (ENV. INFRASTRUCTURE), LA....	---	150
GRAND ISLE AND VICINITY, LA.....	---	200
INNER HARBOR NAVIGATION CANAL LOCK, LA.....	10,000	13,000
J BENNETT JOHNSTON WATERWAY, LA.....	16,555	20,000
LAKE PONTCHARTRAIN AND VICINITY, LA (HURRICANE PROTECT	7,500	14,250

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE

LAROSE TO GOLDEN MEADOW, LA (HURRICANE PROTECTION)....	1,500	1,500
LIVINGSTON PARISH (ENV. INFRASTRUCTURE), LA.....	---	200
MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, L	575	575
MISSISSIPPI RIVER, GULF OUTLET, LA.....	500	500
NEW ORLEANS TO VENICE, LA (HURRICANE PROTECTION).....	2,000	2,000
OUACHITA RIVER LEVEES, AR & LA.....	---	1,500
SOUTHEAST LOUISIANA, LA.....	51,908	60,000
WEST BANK AND VICINITY, NEW ORLEANS, LA.....	12,000	12,500
MARYLAND		
ANACOSTIA RIVER AND TRIBUTARIES, MD.....	---	1,000
ASSATEAGUE ISLAND, MD.....	10,000	10,000
ATLANTIC COAST OF MARYLAND, MD.....	2,300	4,271
BALTIMORE HARBOR ANCHORAGES AND CHANNELS, MD & VA....	8,000	8,000
CHESAPEAKE BAY ENV. RESTORATION AND PROTECTION, MD....	---	950
CHESAPEAKE BAY OYSTER RECOVERY, MD & VA.....	1,500	3,000
CUMBERLAND, MD.....	---	650
POPLAR ISLAND, MD.....	18,200	18,200
MASSACHUSETTS		
CAPE COD CANAL RAILROAD BRIDGE, MA (MAJOR REHAB).....	12,500	12,500
WEST HILL DAM, MA (MAJOR REHAB).....	9,000	9,000
MICHIGAN		
GENESEE COUNTY DRAIN, GENESEE COUNTY, MI.....	---	250
NEGAUNEE, MI.....	---	150
SAULT STE MARIE (REPLACEMENT LOCK), MI.....	---	3,000
TWELVE TOWNS DRAIN RETENTION TREATMENT FACILITY, MI...	---	250
MINNESOTA		
BRECKENRIDGE, MN.....	---	500
CROOKSTON, MN.....	2,000	2,000
LOCK AND DAM 3, MISSISSIPPI RIVER, MN (MAJOR REHAB)...	800	800
LOWER ST ANTHONY FALLS, MN.....	---	600
MILLELACS REGIONAL WASTEWATER, MN.....	---	2,000
NORTHEASTERN, MN.....	---	4,000
PINE RIVER DAM, CROSS LAKE, MN (DAM SAFETY).....	630	630
STILLWATER, MN.....	---	2,000
MISSISSIPPI		
DESOTO COUNTY, MS.....	---	5,000
GULFPORT HARBOR, MS.....	100	100
MISSISSIPPI (SEC. 592, P.L. 106-53), MS.....	---	3,400
PASCAGOULA HARBOR, MS.....	1,930	1,930
MISSOURI		
BLUE RIVER BASIN, KANSAS CITY, MO.....	675	675
BLUE RIVER CHANNEL, KANSAS CITY, MO.....	8,400	10,400
BOIS BRULE DRAINAGE AND LEVEE DISTRICT, MO.....	---	1,200
CAPE GIRARDEAU, JACKSON, MO.....	1,717	1,717
MERAMEC RIVER BASIN, VALLEY PARK LEVEE, MO.....	1,200	1,200
MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	4,000	4,000
ST LOUIS, MO.....	---	4,000
STE GENEVIEVE, MO.....	850	850
TABLE ROCK LAKE, MO & AR (DAM SAFETY).....	5,900	5,900

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE

MONTANA		
FORT PECK DAM, MT.....	---	700
FORT PECK FISH HATCHERY, MT.....	---	1,500
RURAL MONTANA, MT.....	---	500
NEBRASKA		
ANTELOPE CREEK, NE.....	---	300
MISSOURI NATIONAL RECREATIONAL RIVER, NE & SD.....	1,800	1,800
WOOD RIVER, GRAND ISLAND, NE.....	4,000	4,000
NEVADA		
RURAL NEVADA, NV.....	---	8,000
TROPICANA AND FLAMINGO WASHES, NV.....	22,000	30,000
NEW HAMPSHIRE		
ENVIRONMENTAL INFRASTRUCTURE, LEBANON, NH.....	---	2,000
NEW JERSEY		
BRIGANTINE INLET TO GREAT EGG INLET, NJ (ABSECON ISLAN	100	1,000
CAPE MAY INLET TO LOWER TOWNSHIP, NJ.....	780	2,000
DELAWARE RIVER MAIN CHANNEL, NJ, PA & DE.....	10,000	10,000
GREAT EGG HARBOR INLET AND PECK BEACH, NJ.....	130	250
LOWER CAPE MAY MEADOWS, NJ.....	---	500
NEW YORK HARBOR & ADJACENT CHANNELS, PORT JERSEY CHANN	22,000	---
PASSAIC RIVER PRESERVATION OF NATURAL STORAGE AREAS, N	5,400	5,400
PASSAIC RIVER STREAMBANK RESTORATION, NJ.....	---	2,500
RAMAPO AND MAHWAH RIVERS, MAHWAH, NJ AND SUFFERN, NY..	100	100
RAMAPO RIVER AT OAKLAND, NJ.....	4,949	4,949
RARITAN BAY AND SANDY HOOK BAY, NJ.....	100	400
RARITAN RIVER BASIN, GREEN BROOK SUB-BASIN, NJ.....	10,000	10,000
SANDY HOOK TO BARNEGAT INLET, NJ.....	5,000	5,000
TOWNSENDS INLET TO CAPE MAY INLET, NJ.....	2,000	2,000
NEW MEXICO		
ACEQUIAS IRRIGATION SYSTEM, NM.....	2,000	2,000
ALAMOGORDO, NM.....	3,500	3,500
CENTRAL NEW MEXICO, NM.....	---	5,000
JICARILLA APACHE TRIBE, NM.....	---	2,500
MIDDLE RIO GRANDE FLOOD PROTECTION, BERNALILLO TO BELE	600	600
RIO GRANDE FLOODWAY, SAN ACACIA TO BOSQUE DEL APACHE,.	300	300
NEW YORK		
ARTHUR KILL CHANNEL, HOWLAND HOOK MARINE TERMINAL, NY.	15,000	---
ATLANTIC COAST OF NYC, ROCKAWAY INLET TO NORTON POINT,	300	900
EAST ROCKAWAY INLET TO ROCKAWAY INLET AND JAMAICA BAY,	1,230	2,284
FIRE ISLAND INLET TO JONES INLET, NY.....	4,700	7,700
FIRE ISLAND INLET TO MONTAUK POINT, NY.....	2,275	2,275
KILL VAN KULL AND NEWARK BAY CHANNEL, NY & NJ.....	44,000	---
NEW YORK AND NEW JERSEY HARBOR, NY & NJ.....	---	88,500
NEW YORK CITY WATERSHED, NY.....	---	3,000
ONONDAGA LAKE, NY.....	---	8,000
NORTH CAROLINA		
BRUNSWICK COUNTY BEACHES, OCEAN ISLE BEACH PORTION, NC	300	800
MANTEO (SHALLOWBAG) BAY, NC.....	---	300

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
STANLY COUNTY WASTEWATER INFRASTRUCTURE, NC.....	---	500
WEST ONSLOW BEACH AND NEW RIVER INLET, NC.....	300	700
WILMINGTON HARBOR, NC.....	43,159	47,000
WRIGHTSVILLE BEACH, NC.....	550	1,140
NORTH DAKOTA		
BUFORD - TRENTON IRRIGATION DISTRICT LAND ACQUISITION, GARRISON DAM AND POWER PLANT, ND (MAJOR REHAB).....	3,000 7,000	5,000 7,000
GRAFTON, PARK RIVER, ND.....	---	500
GRAND FORKS, ND - EAST GRAND FORKS, MN.....	25,954	31,000
HOMME LAKE, ND (DAM SAFETY).....	2,400	2,400
SHEYENNE RIVER, ND.....	2,000	2,000
OHIO		
LOWER GIRARD LAKE DAM, OH.....	---	1,000
METROPOLITAN REGION OF CINCINNATI, DUCK CREEK, OH.....	2,700	2,700
MILL CREEK, OH.....	2,000	3,000
OHIO ENVIRONMENTAL INFRASTRUCTURE, OH.....	---	3,000
OTTAWA RIVER, OH.....	---	300
WEST COLUMBUS, OH.....	7,200	11,000
OKLAHOMA		
SKIATOOK LAKE, OK (DAM SAFETY).....	1,800	1,800
TENKILLER FERRY LAKE, OK (DAM SAFETY).....	3,700	3,700
OREGON		
BONNEVILLE POWERHOUSE PHASE II, OR & WA (MAJOR REHAB). COLUMBIA RIVER TREATY FISHING ACCESS SITES, OR & WA...	10,000 5,000	10,000 5,000
ELK CREEK LAKE, OR.....	2,000	2,000
LOWER COLUMBIA RIVER BASIN BANK PROTECTION, OR & WA...	100	100
WILLAMETTE RIVER TEMPERATURE CONTROL, OR.....	8,000	9,000
PENNSYLVANIA		
3 RIVERS, WET WEATHER DEMO PROGRAM, PA.....	---	400
JOHNSTOWN, PA (MAJOR REHAB).....	3,082	3,082
LOCKS AND DAMS 2, 3 AND 4, MONONGAHELA RIVER, PA.....	34,470	40,470
NANTY GLO, PA.....	---	1,000
NORTHEAST PENNSYLVANIA, PA.....	---	3,000
PRESQUE ISLE PENINSULA, PA (PERMANENT).....	392	728
SAW MILL RUN, PITTSBURGH, PA.....	4,138	4,138
SCHUYLKILL RIVER PARK, PA.....	---	1,000
SOUTH CENTRAL PENN ENVIRONMENTAL IMPROVEMENT PROGRAM..	---	10,000
WYOMING VALLEY, PA (LEVEE RAISING).....	19,000	19,000
PUERTO RICO		
ARECIBO RIVER, PR.....	500	500
PORTUGUES AND BUCANA RIVERS, PR.....	5,409	5,409
RIO DE LA PLATA, PR.....	500	500
RIO GRANDE DE LOIZA, PR.....	500	500
RIO GRANDE DE MANATI, PR.....	1,500	1,500
RIO PUERTO NUEVO, PR.....	9,000	9,000
SOUTH CAROLINA		
CHARLESTON HARBOR, SC (DEEPENING & WIDENING).....	6,365	8,865
FOLLY BEACH, SC.....	---	200
HARTWELL LK,CLEMSON UPPER & LOWER DIVERSION, SC (DAM S LAKES MARION AND MOULTRIE, SC.....	2,500 ---	2,500 11,648

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
SOUTH DAKOTA		
BIG SIOUX RIVER, SIOUX FALLS, SD.....	6,000	6,000
CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX, SD.....	3,000	7,000
MISSOURI RIVER RESTORATION, SD.....	---	750
PIERRE, SD.....	6,000	6,000
TENNESSEE		
BLACK FOX, MURFREE AND OAKLANDS SPRINGS WETLANDS, TN..	---	2,000
TEXAS		
BOISQUE AND LEON RIVERS, TX.....	---	2,500
BRAYS BAYOU, HOUSTON, TX.....	4,066	4,066
CHANNEL TO VICTORIA, TX.....	5,565	5,565
CLEAR CREEK, TX.....	1,200	1,200
DALLAS FLOODWAY EXTENSION, TRINITY RIVER PROJECT, TX..	2,000	10,000
EL PASO, TX.....	3,400	3,400
HOUSTON - GALVESTON NAVIGATION CHANNELS, TX.....	28,785	33,785
JOHNSON CREEK, UPPER TRINITY BASIN, ARLINGTON, TX.....	2,900	5,500
MOUTH OF COLORADO RIVER, TX.....	---	1,000
NECHES RIVER AND TRIBUTARIES SALTWATER BARRIER, TX....	8,068	11,000
NORTH PADRE ISLAND, PACKERY CHANNEL, TX.....	---	1,000
RED RIVER BASIN CHLORIDE CONTROL, TX & OK.....	---	2,100
RED RIVER BELOW DENISON DAM, TX,AR,LA.....	---	2,500
SAN ANTONIO CHANNEL IMPROVEMENT, TX.....	866	1,000
SIMS BAYOU, HOUSTON, TX.....	9,000	9,000
WALLISVILLE LAKE, TX.....	---	2,617
UTAH		
UPPER JORDAN RIVER, UT.....	500	500
VERMONT		
VERMONT DAMS REMEDIATION, VT.....	---	200
VIRGINIA		
AIWV BRIDGE AT GREAT BRIDGE, VA.....	7,000	7,000
EMBREY DAM, VA.....	---	2,000
JOHN H KERR DAM AND RESERVOIR, VA & NC (MAJOR REHAB)..	4,800	4,800
LYNCHBURG COMBINED SEWER OVERFLOW, VA.....	---	1,000
NORFOLK HARBOR AND CHANNELS (DEEPENING), VA.....	486	486
RICHMOND COMBINED SEWER OVERFLOW, VA.....	---	1,000
ROANOKE RIVER UPPER BASIN, HEADWATERS AREA, VA.....	3,000	3,000
SANDBRIDGE BEACH, VA.....	3,380	3,380
VIRGINIA BEACH, VA (HURRICANE PROTECTION).....	9,000	9,000
WASHINGTON		
COLUMBIA RIVER FISH MITIGATION, WA, OR & ID.....	81,000	81,000
GRAYS HARBOR, WA.....	325	325
HOWARD HANSEN DAM, WA.....	---	3,000
LOWER SNAKE RIVER FISH & WILDLIFE COMPENSATION, WA, OR	2,555	2,555
MT ST HELENS SEDIMENT CONTROL, WA.....	545	545
MUD MOUNTAIN DAM, WA (DAM SAFETY).....	3,300	3,800
SHOALWATER BAY SHORELINE EROSION, WA.....	---	500
THE DALLES POWERHOUSE (UNITS 1-14), WA & OR (MAJOR REH	7,000	7,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE

WEST VIRGINIA		
BLUESTONE LAKE, WV (DAM SAFETY).....	8,000	12,000
CENTRAL WEST VIRGINIA, WV.....	---	3,000
GREENBRIER RIVER BASIN, WV.....	---	1,200
LEVISA AND TUG FORKS AND UPPER CUMBERLAND RIVER, WV, V	16,700	41,100
LONDON LOCKS AND DAM, KANAWHA RIVER, WV (MAJOR REHAB).	4,300	8,700
LOWER MUD RIVER, WV.....	---	750
MARMET LOCK, KANAWHA RIVER, WV.....	6,200	27,100
ROBERT C BYRD LOCKS AND DAM, OHIO RIVER, WV & OH.....	1,300	3,000
SOUTHERN WEST VIRGINIA, WV.....	---	3,000
TYGART LAKE, WV (DAM SAFETY).....	1,461	1,461
WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL, WV & PA.	---	2,300
WINFIELD LOCKS AND DAM, KANAWHA RIVER, WV.....	600	2,700

WISCONSIN		
LAFARGE LAKE, WI.....	5,150	6,150

MISCELLANEOUS		
AQUATIC ECOSYSTEM RESTORATION (SECTION 206).....	15,000	20,000
AQUATIC PLANT CONTROL PROGRAM.....	3,000	4,000
BENEFICIAL USES OF DREDGED MATERIAL (SECTION 204).....	1,500	1,500
DAM SAFETY AND SEEPAGE/STABILITY CORRECTION PROGRAM...	5,000	9,000
DREDGED MATERIAL DISPOSAL FACILITIES PROGRAM.....	9,000	5,000
EMERGENCY STREAMBANK & SHORELINE PROTECTION (SEC. 14).	7,000	9,000
EMPLOYEES' COMPENSATION.....	20,000	20,000
FLOOD CONTROL PROJECTS (SECTION 205).....	30,000	40,000
INLAND WATERWAYS USERS BOARD - BOARD EXPENSE.....	45	45
INLAND WATERWAYS USERS BOARD - CORPS EXPENSE.....	185	185
NAVIGATION MITIGATION PROJECT (SECTION 111).....	500	1,470
NAVIGATION PROJECTS (SECTION 107).....	7,000	15,000
PROJECT MODIFICATIONS FOR IMPROVEMENT OF THE ENVIRONME	21,000	20,400
SHORELINE PROTECTION PROJECTS (SECTION 103).....	5,000	5,000
SNAGGING AND CLEARING PROJECT (SECTION 208).....	1,000	1,000
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE.....	-156,580	-263,684
=====		
TOTAL, CONSTRUCTION GENERAL.....	1,324,000	1,715,951
=====		

CORPS OF ENGINEERS - FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

PROJECT TITLE	BUDGET REQUEST	CONFERENCE

GENERAL INVESTIGATIONS		
SURVEYS:		
GENERAL STUDIES:		
ALEXANDRIA, LA TO THE GULF OF MEXICO.....	500	500
BAYOU METO BASIN.....	---	1,500
DONALDSONVILLE TO THE GULF, LA.....	700	1,100
SPRING BAYOU, LA.....	500	500
COLDWATER RIVER BASIN BELOW ARKABUTLA LAKE, MS....	200	200
OLIVE BRANCH, MS.....	300	100
MEMPHIS METRO AREA, TN & MS.....	394	394
MORGANZA, LA TO THE GULF OF MEXICO.....	4,000	5,250
SOUTHEAST ARKANSAS, AR.....	---	400
WOLF RIVER, MEMPHIS, TN.....	205	205
TENSAS RIVER BASIN, LA.....	---	100
COLLECTION AND STUDY OF BASIC DATA.....	615	615
	-----	-----
SUBTOTAL, GENERAL INVESTIGATIONS.....	7,414	10,864
	=====	=====
CONSTRUCTION		
CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN.....	43,405	45,000
FRANCIS BLAND FLOODWAY DITCH (EIGHT MILE CREEK), AR...	915	915
GRAND PRAIRIE REGION, AR.....	---	12,000
HELENA AND VICINITY, AR.....	1,675	1,675
MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN.	43,457	50,057
ST FRANCIS BASIN, AR & MO.....	3,230	4,230
ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA.....	7,160	7,600
ATCHAFALAYA BASIN, LA.....	23,400	25,400
LOUISIANA STATE PENITENTIARY LEVEE, LA.....	3,022	3,022
MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, LA & MS....	25	25
MISSISSIPPI DELTA REGION, LA.....	1,600	2,900
TENSAS BASIN, RED RIVER BACKWATER, LA.....	2,628	3,653
HORN LAKE CREEK AND TRIBUTARIES, MS.....	---	300
YAZOO BASIN:	(8,550)	(35,249)
BACKWATER PUMP, MS.....	500	4,000
BIG SUNFLOWER RIVER, MS.....	1,000	1,250
DEMONSTRATION EROSION CONTROL, MS.....	---	19,000
MAIN STEM, MS.....	25	25
REFORMULATION UNIT, MS.....	25	25
TRIBUTARIES, MS.....	200	200
UPPER YAZOO PROJECTS, MS.....	6,800	10,749
ST JOHNS BAYOU AND NEW MADRID FLOODWAY, MO.....	150	1,000
NONCONNAH CREEK, FLOOD CONTROL FEATURE, TN & MS.....	1,300	1,615
WEST TENNESSEE TRIBUTARIES, TN.....	25	25
	-----	-----
SUBTOTAL, CONSTRUCTION.....	140,542	194,666
	=====	=====
MAINTENANCE		
CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN.....	61,462	61,462
HELENA HARBOR, PHILLIPS COUNTY, AR.....	434	434
INSPECTION OF COMPLETED WORKS, AR.....	480	480
LOWER ARKANSAS RIVER, NORTH BANK, AR.....	419	419
LOWER ARKANSAS RIVER, SOUTH BANK, AR.....	10	10
MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN.	7,650	8,250
ST FRANCIS BASIN, AR & MO.....	6,678	12,000
TENSAS BASIN, BOEUF AND TENSAS RIVERS, AR & LA.....	2,000	3,250
WHITE RIVER BACKWATER, AR.....	1,102	1,102
INSPECTION OF COMPLETED WORKS, IL.....	43	43
INSPECTION OF COMPLETED WORKS, KY.....	29	29
ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA.....	2,065	2,065
ATCHAFALAYA BASIN, LA.....	10,661	11,500

CORPS OF ENGINEERS - FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

PROJECT TITLE	BUDGET REQUEST	CONFERENCE

GENERAL INVESTIGATIONS		
BATON ROUGE HARBOR, DEVIL SWAMP, LA.....	216	216
BAYOU COCODRIE AND TRIBUTARIES, LA.....	56	56
BONNET CARRE, LA.....	1,854	2,814
INSPECTION OF COMPLETED WORKS, LA.....	422	422
LOWER RED RIVER, SOUTH BANK LEVEES, LA.....	6,239	6,239
MISSISSIPPI DELTA REGION, LA.....	916	916
OLD RIVER, LA.....	6,116	6,116
TENSAS BASIN, RED RIVER BACKWATER, LA.....	2,500	2,500
GREENVILLE HARBOR, MS.....	645	645
INSPECTION OF COMPLETED WORKS, MS.....	249	249
VICKSBURG HARBOR, MS.....	494	494
YAZOO BASIN:	(21,260)	(31,807)
ARKABUTLA LAKE, MS.....	4,500	7,000
BIG SUNFLOWER RIVER, MS.....	1,000	3,700
ENID LAKE, MS.....	3,500	5,000
GREENWOOD, MS.....	250	250
GRENADA LAKE, MS.....	4,500	5,500
MAIN STEM, MS.....	275	275
SARDIS LAKE, MS.....	6,500	8,500
TRIBUTARIES, MS.....	350	1,197
WILL M WHITTINGTON AUXILIARY CHANNEL, MS.....	55	55
YAZOO BACKWATER AREA, MS.....	180	180
YAZOO CITY, MS.....	150	150
INSPECTION OF COMPLETED WORKS, MO.....	143	143
WAPPAPELLO LAKE, MO.....	8,000	8,500
INSPECTION OF COMPLETED WORKS, TN.....	86	86
MEMPHIS HARBOR, MCKELLAR LAKE, TN.....	1,118	1,118
MAPPING.....	1,097	1,097
	-----	-----
SUBTOTAL, MAINTENANCE.....	144,444	164,462
	=====	=====
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE.....	-12,400	-24,000
	=====	=====
TOTAL, FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES.....	280,000	345,992
	=====	=====

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
ALABAMA		
ALABAMA - COOSA COMPREHENSIVE WATER STUDY, AL.....	219	219
ALABAMA - COOSA RIVER, AL.....	1,555	6,180
BAYOU CODEN, AL.....	---	500
BAYOU LA BATRE, AL.....	50	200
BLACK WARRIOR AND TOMBIGBEE RIVERS, AL.....	21,100	23,700
BON SECOUR RIVER, AL.....	20	20
DAUPHIN ISLAND BAY, AL.....	250	600
DOG AND FOWL RIVERS, AL.....	450	450
FLY CREEK, AL.....	200	200
GULF INTRACOASTAL WATERWAY, AL.....	5,000	5,000
INSPECTION OF COMPLETED WORKS, AL.....	100	100
MILLERS FERRY LOCK AND DAM, WILLIAM "BILL" DANNELLY LA	4,900	7,200
MOBILE AREA DIGITAL MAPPING, AL.....	---	3,000
MOBILE HARBOR, AL.....	18,900	29,600
PERDIDO PASS CHANNEL, AL.....	1,000	1,000
PROJECT CONDITION SURVEYS, AL.....	350	350
ROBERT F HENRY LOCK AND DAM, AL.....	5,000	5,600
SCHEDULING RESERVOIR OPERATIONS, AL.....	80	80
TENNESSEE - TOMBIGBEE WATERWAY, AL & MS.....	23,800	24,300
TENNESSEE - TOMBIGBEE WILDLIFE MITIGATION, AL.....	---	2,000
WALTER F GEORGE LOCK AND DAM, AL & GA.....	6,565	6,565
ALASKA		
ANCHORAGE HARBOR, AK.....	1,788	2,788
BETHEL HARBOR, AK.....	416	416
CHENA RIVER LAKES, AK.....	1,659	1,659
COOK INLET SHOALS, AK.....	2,200	2,200
DILLINGHAM HARBOR, AK.....	384	384
HOMER HARBOR, AK.....	181	181
INSPECTION OF COMPLETED WORKS, AK.....	35	35
KETCHIKAN HARBOR, BAR POINT, AK.....	160	160
KODIAK HARBOR, AK.....	---	750
NAKNEK RIVER, AK.....	---	1,000
NINILCHIK HARBOR, AK.....	173	173
NOME HARBOR, AK.....	1,458	1,458
PELICAN HARBOR, AK.....	---	600
PROJECT CONDITION SURVEYS, AK.....	527	527
ARIZONA		
ALAMO LAKE, AZ.....	1,306	1,306
INSPECTION OF COMPLETED WORKS, AZ.....	86	86
PAINTED ROCK DAM, AZ.....	1,310	1,310
SCHEDULING RESERVOIR OPERATIONS, AZ.....	32	32
WHITLOW RANCH DAM, AZ.....	184	184
ARKANSAS		
BEAVER LAKE, AR.....	4,343	4,343
BLAKELY MT DAM, LAKE OUACHITA, AR.....	4,734	4,734
BLUE MOUNTAIN LAKE, AR.....	1,148	1,148
BULL SHOALS LAKE, AR.....	4,402	4,402
DARDANELLE LOCK AND DAM, AR.....	5,337	5,337
DEGRAY LAKE, AR.....	4,235	4,235
DEQUEEN LAKE, AR.....	947	947
DIERKS LAKE, AR.....	946	946
GILLHAM LAKE, AR.....	841	841
GREERS FERRY LAKE, AR.....	4,873	4,873
HELENA HARBOR, PHILLIPS COUNTY, AR.....	---	340
INSPECTION OF COMPLETED WORKS, AR.....	308	308

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR.	22,338	22,338
MILLWOOD LAKE, AR.....	1,559	1,559
NARROWS DAM, LAKE GREESON, AR.....	3,308	4,308
NIMROD LAKE, AR.....	1,319	1,319
NORFORK LAKE, AR.....	3,255	3,255
OSCEOLA HARBOR, AR.....	---	610
OUACHITA AND BLACK RIVERS, AR & LA.....	7,127	7,127
OZARK - JETA TAYLOR LOCK AND DAM, AR.....	3,912	3,912
PROJECT CONDITION SURVEYS, AR.....	10	10
WHITE RIVER, AR.....	195	2,195
YELLOW BEND PORT, AR.....	---	150
CALIFORNIA		
BLACK BUTTE LAKE, CA.....	1,952	1,952
BODEGA BAY, CA.....	---	1,800
BUCHANAN DAM, H V EASTMAN LAKE, CA.....	1,725	1,725
CHANNEL ISLANDS HARBOR, CA.....	40	40
COYOTE VALLEY DAM, LAKE MENDOCINO, CA.....	3,537	3,537
DRY CREEK (WARM SPRINGS) LAKE AND CHANNEL, CA.....	4,604	4,604
FARMINGTON DAM, CA.....	299	299
HIDDEN DAM, HENSLEY LAKE, CA.....	1,687	1,687
HUMBOLDT HARBOR AND BAY, CA.....	3,516	3,516
INSPECTION OF COMPLETED WORKS, CA.....	1,171	1,171
ISABELLA LAKE, CA.....	836	1,476
LOS ANGELES - LONG BEACH HARBOR MODEL, CA.....	170	170
LOS ANGELES - LONG BEACH HARBORS, CA.....	200	3,200
LOS ANGELES COUNTY DRAINAGE AREA, CA.....	4,691	6,691
MARINA DEL REY, CA.....	40	40
MERCED COUNTY STREAMS, CA.....	314	314
MOJAVE RIVER DAM, CA.....	273	273
MORRO BAY HARBOR, CA.....	3,860	3,860
MOSS LANDING HARBOR, CA.....	---	2,500
NEW HOGAN LAKE, CA.....	1,922	1,922
NEW MELONES LAKE, DOWNSTREAM CHANNEL, CA.....	1,573	1,573
NEWPORT BAY HARBOR, CA.....	40	40
OAKLAND HARBOR, CA.....	10,127	10,127
OCEANSIDE HARBOR, CA.....	1,270	1,270
PETALUMA RIVER, CA.....	---	2,500
PILLAR POINT HARBOR, CA.....	---	200
PINE FLAT LAKE, CA.....	2,443	2,443
PORT HUENEME, CA.....	40	40
PROJECT CONDITION SURVEYS, CA.....	1,224	1,224
REDWOOD CITY HARBOR, CA.....	---	2,000
RICHMOND HARBOR, CA.....	4,389	4,389
SACRAMENTO RIVER (30 FOOT PROJECT), CA.....	1,964	1,964
SACRAMENTO RIVER AND TRIBUTARIES (DEBRIS CONTROL), CA.....	1,766	1,766
SACRAMENTO RIVER SHALLOW DRAFT CHANNEL, CA.....	132	132
SAN DIEGO HARBOR, CA.....	140	140
SAN DIEGO RIVER AND MISSION BAY, CA.....	40	40
SAN FRANCISCO BAY, DELTA MODEL STRUCTURE, CA.....	1,700	1,700
SAN FRANCISCO BAY LONG TERM MANAGEMENT STRATEGY, CA.....	---	200
SAN FRANCISCO HARBOR AND BAY (DRIFT REMOVAL), CA.....	2,366	2,500
SAN FRANCISCO HARBOR, CA.....	2,501	2,700
SAN JOAQUIN RIVER, CA.....	998	3,800
SAN RAFAEL CREEK, CA.....	---	1,800
SANTA ANA RIVER BASIN, CA.....	3,537	3,537
SANTA BARBARA HARBOR, CA.....	2,020	2,020
SCHEDULING RESERVOIR OPERATIONS, CA.....	1,504	1,504
SUCCESS LAKE, CA.....	1,969	1,969
SUISUN BAY CHANNEL, CA.....	1,635	1,635

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
TERMINUS DAM, LAKE KAWEAH, CA.....	1,747	1,747
VENTURA HARBOR, CA.....	2,980	4,145
YUBA RIVER, CA.....	102	102

COLORADO		
BEAR CREEK LAKE, CO.....	420	420
CHATFIELD LAKE, CO.....	797	1,097
CHERRY CREEK LAKE, CO.....	525	825
INSPECTION OF COMPLETED WORKS, CO.....	70	70
JOHN MARTIN RESERVOIR, CO.....	3,454	3,454
SCHEDULING RESERVOIR OPERATIONS, CO.....	249	249
TRINIDAD LAKE, CO.....	733	1,033
CONNECTICUT		
BLACK ROCK LAKE, CT.....	490	490
COLEBROOK RIVER LAKE, CT.....	454	454
HANCOCK BROOK LAKE, CT.....	221	221
HOP BROOK LAKE, CT.....	979	979
MANSFIELD HOLLOW LAKE, CT.....	424	424
NORTHFIELD BROOK LAKE, CT.....	294	294
STAMFORD HURRICANE BARRIER, CT.....	485	485
THOMASTON DAM, CT.....	516	516
WEST THOMPSON LAKE, CT.....	711	711
DELAWARE		
INTRACOASTAL WATERWAY, DELAWARE R TO CHESAPEAKE BAY, D	12,223	13,500
INTRACOASTAL WATERWAY, REHOBOTH BAY TO DELAWARE BAY, D	888	888
MISPILLION RIVER, DE.....	140	140
MURDERKILL RIVER, DE.....	140	140
WILMINGTON HARBOR, DE.....	2,985	2,985
DISTRICT OF COLUMBIA		
POTOMAC AND ANACOSTIA RIVERS (DRIFT REMOVAL), DC.....	928	928
WASHINGTON HARBOR, DC.....	48	48
FLORIDA		
APALACHICOLA BAY, FL.....	300	300
CANAVERAL HARBOR, FL.....	3,966	6,896
CARRABELLE BAY HARBOR, FL.....	---	150
CENTRAL AND SOUTHERN FLORIDA, FL.....	11,591	11,591
CLEARWATER PASS, FL.....	---	1,000
EAST PASS CHANNEL, FL.....	700	700
FERNANDINA HARBOR, FL.....	3,037	3,037
FORT PIERCE HARBOR, FL.....	49	2,000
HORSESHOE COVE, FL.....	520	520
INSPECTION OF COMPLETED WORKS, FL.....	100	100
INTRACOASTAL WATERWAY, JACKSONVILLE TO MIAMI, FL.....	2,173	2,173
JACKSONVILLE HARBOR, FL.....	4,040	4,040
JIM WOODRUFF LOCK AND DAM, LAKE SEMINOLE, FL, AL & GA.	5,719	5,719
MANATEE HARBOR, FL.....	20	20
MIAMI HARBOR, FL.....	3,700	3,700
MIAMI RIVER, FL.....	---	4,000
NAPLES TO BIG MARCO PASS, FL.....	---	1,000
NEW PASS CHANNEL, FL.....	---	1,800
OKEECHOBEE WATERWAY, FL.....	2,520	2,520

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
PALM BEACH HARBOR, FL.....	3,253	3,253
PANAMA CITY HARBOR, FL.....	1,000	1,000
PENSACOLA HARBOR, FL.....	500	500
PONCE DE LEON INLET, FL.....	2,032	2,032
PORT ST JOE HARBOR, FL.....	500	500
PROJECT CONDITION SURVEYS, FL.....	600	600
REMOVAL OF AQUATIC GROWTH, FL.....	3,634	3,634
SCHEDULING RESERVOIR OPERATIONS, FL.....	50	50
SUWANEE RIVER, FL.....	---	2,000
TAMPA HARBOR, FL.....	4,163	4,163
WITHLACOOCHIE RIVER, FL.....	34	34
GEORGIA		
ALLATOONA LAKE, GA.....	5,427	6,333
APALACHICOLA, CHATTAHOOCHEE AND FLINT RIVERS, GA, AL & ATLANTIC INTRACOASTAL WATERWAY, GA.....	1,237	12,900
BRUNSWICK HARBOR, GA.....	2,172	2,172
BRUNSWICK HARBOR, GA.....	3,902	3,902
BUFORD DAM AND LAKE SIDNEY LANIER, GA.....	7,525	7,525
CARTERS DAM AND LAKE, GA.....	7,600	8,800
HARTWELL LAKE, GA & SC.....	11,876	11,876
INSPECTION OF COMPLETED WORKS, GA.....	41	41
J STROM THURMOND LAKE, GA & SC.....	10,325	10,325
RICHARD B RUSSELL DAM AND LAKE, GA & SC.....	6,564	6,564
SAVANNAH HARBOR, GA.....	12,911	14,000
SAVANNAH RIVER BELOW AUGUSTA, GA.....	215	215
WEST POINT DAM AND LAKE, GA & AL.....	4,865	4,865
HAWAII		
BARBERS POINT HARBOR, HI.....	344	344
INSPECTION OF COMPLETED WORKS, HI.....	122	122
PROJECT CONDITION SURVEYS, HI.....	508	508
IDAHO		
ALBENI FALLS DAM, ID.....	1,475	1,475
DWORSHAK DAM AND RESERVOIR, ID.....	4,002	4,002
INSPECTION OF COMPLETED WORKS, ID.....	75	75
LUCKY PEAK LAKE, ID.....	1,526	1,526
SCHEDULING RESERVOIR OPERATIONS, ID.....	342	342
ILLINOIS		
CALUMET HARBOR AND RIVER, IL & IN.....	3,709	3,709
CARLYLE LAKE, IL.....	4,962	4,962
CHICAGO HARBOR, IL.....	2,662	2,662
CHICAGO RIVER, IL.....	362	362
FARM CREEK RESERVOIRS, IL.....	170	170
ILLINOIS WATERWAY (MVR PORTION), IL & IN.....	21,881	21,881
ILLINOIS WATERWAY (MVS PORTION), IL & IN.....	1,610	1,610
INSPECTION OF COMPLETED WORKS, IL.....	758	758
KASKASKIA RIVER NAVIGATION, IL.....	1,159	1,650
LAKE MICHIGAN DIVERSION, IL.....	1,037	1,037
LAKE SHELBYVILLE, IL.....	6,071	6,071
MISS RIVER BTWN MO RIVER AND MINNEAPOLIS (MVR PORTION)	42,431	42,431
MISS RIVER BTWN MO RIVER AND MINNEAPOLIS (MVS PORTION)	13,897	13,897
PROJECT CONDITION SURVEYS, IL.....	43	43
REND LAKE, IL.....	4,760	4,760
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IL.....	97	97
WAUKEGAN HARBOR, IL.....	770	770

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
BROOKVILLE LAKE, IN.....	792	792
BURNS WATERWAY HARBOR, IN.....	3,977	3,977
CAGLES MILL LAKE, IN.....	674	674
CECIL M HARDEN LAKE, IN.....	829	829
INDIANA HARBOR, IN.....	64	64
INSPECTION OF COMPLETED WORKS, IN.....	102	102
J EDWARD ROUSH LAKE, IN.....	690	690
MICHIGAN CITY HARBOR, IN.....	1,495	1,495
MISSISSINAWA LAKE, IN.....	803	803
MONROE LAKE, IN.....	819	819
PATOKA LAKE, IN.....	757	757
PROJECT CONDITION SURVEYS, IN.....	42	42
SALAMONIE LAKE, IN.....	710	710
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IN.....	90	90
IOWA		
CORALVILLE LAKE, IA.....	2,735	2,735
INSPECTION OF COMPLETED WORKS, IA.....	812	812
MISSOURI RIVER - KENSLERS BEND, NE TO SIOUX CITY, IA..	148	148
MISSOURI RIVER - RULO TO MOUTH, IA, NE, KS & MO.....	3,270	6,880
MISSOURI RIVER - SIOUX CITY TO RULO, IA & NE.....	2,263	2,263
RATHBUN LAKE, IA.....	2,195	2,195
RED ROCK DAM AND LAKE RED ROCK, IA.....	3,356	5,182
SAYLORVILLE LAKE, IA.....	3,887	3,887
KANSAS		
CLINTON LAKE, KS.....	2,201	2,201
COUNCIL GROVE LAKE, KS.....	1,116	1,116
EL DORADO LAKE, KS.....	478	478
ELK CITY LAKE, KS.....	526	526
FALL RIVER LAKE, KS.....	973	973
HILLSDALE LAKE, KS.....	1,014	1,014
INSPECTION OF COMPLETED WORKS, KS.....	45	45
JOHN REDMOND DAM AND RESERVOIR, KS.....	1,100	1,100
KANOPOLIS LAKE, KS.....	1,507	1,507
MARION LAKE, KS.....	1,422	1,422
MELVERN LAKE, KS.....	2,006	2,006
MILFORD LAKE, KS.....	1,997	1,997
PEARSON - SKUBITZ BIG HILL LAKE, KS.....	898	898
PERRY LAKE, KS.....	2,055	3,000
POMONA LAKE, KS.....	2,130	2,130
SCHEDULING RESERVOIR OPERATIONS, KS.....	185	185
TORONTO LAKE, KS.....	456	456
TUTTLE CREEK LAKE, KS.....	2,004	2,004
WILSON LAKE, KS.....	2,069	2,069
KENTUCKY		
BARKLEY DAM AND LAKE BARKLEY, KY & TN.....	6,896	6,896
BARREN RIVER LAKE, KY.....	1,900	1,900
BIG SANDY HARBOR, KY.....	1,099	1,099
BUCKHORN LAKE, KY.....	1,440	1,560
CARR CREEK LAKE, KY.....	1,656	1,776
CAVE RUN LAKE, KY.....	834	834
DEWEY LAKE, KY.....	1,371	1,371
ELVIS STAHR (HICKMAN) HARBOR.....	---	460
FISHTRAP LAKE, KY.....	2,095	2,095
GRAYSON LAKE, KY.....	1,332	1,332
GREEN AND BARREN RIVERS, KY.....	1,079	1,079

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
GREEN RIVER LAKE, KY.....	2,107	2,107
INSPECTION OF COMPLETED WORKS, KY.....	87	87
KENTUCKY RIVER, KY.....	913	913
LAUREL RIVER LAKE, KY.....	1,311	1,311
MARTINS FORK LAKE, KY.....	617	617
MIDDLESBORO CUMBERLAND RIVER BASIN, KY.....	106	106
NOLIN LAKE, KY.....	1,808	1,808
OHIO RIVER LOCKS AND DAMS, KY, IL, IN & OH.....	28,572	28,572
OHIO RIVER OPEN CHANNEL WORK, KY, IL, IN & OH.....	5,180	5,180
PAINTSVILLE LAKE, KY.....	1,178	1,178
ROUGH RIVER LAKE, KY.....	2,069	2,069
TAYLORSVILLE LAKE, KY.....	993	993
WOLF CREEK DAM, LAKE CUMBERLAND, KY.....	5,407	5,407
YATESVILLE LAKE, KY.....	1,136	1,136
LOUISIANA		
ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF AND BLACK, L	13,181	13,181
BARATARIA BAY WATERWAY, LA.....	---	2,000
BAYOU BODCAU RESERVOIR, LA.....	652	652
BAYOU LAFOURCHE AND LAFOURCHE JUMP WATERWAY, LA.....	730	730
BAYOU PIERRE, LA.....	28	28
BAYOU SEGNETTE WATERWAY, LA.....	---	740
BAYOU TECHE, LA.....	---	2,000
CADDO LAKE, LA.....	92	92
CALCASIEU RIVER AND PASS, LA.....	12,773	12,773
FRESHWATER BAYOU, LA.....	1,595	3,595
GULF INTRACOASTAL WATERWAY, LA.....	18,195	19,500
HOUMA NAVIGATION CANAL, LA.....	3,343	3,343
INSPECTION OF COMPLETED WORKS, LA.....	549	549
J BENNETT JOHNSTON WATERWAY, LA.....	8,477	11,477
LAKE PROVIDENCE HARBOR, LA.....	---	592
MADISON PARISH PORT, LA.....	---	120
MERMENTAU RIVER, LA.....	933	1,258
MISSISSIPPI RIVER OUTLETS AT VENICE, LA.....	1,937	1,937
MISSISSIPPI RIVER, BATON ROUGE TO THE GULF OF MEXICO, .	55,831	55,831
MISSISSIPPI RIVER, GULF OUTLET, LA.....	13,111	15,111
PROJECT CONDITION SURVEYS, LA.....	80	80
REMOVAL OF AQUATIC GROWTH, LA.....	2,000	2,000
WALLACE LAKE, LA.....	154	154
WATERWAY FROM IWW TO BAYOU DULAC, LA.....	---	500
MAINE		
PENOBSCOT RIVER, ME.....	---	275
PROJECT CONDITION SURVEYS, ME.....	1,130	1,130
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, ME.....	17	17
UNION RIVER, ME.....	230	230
MARYLAND		
BALTIMORE HARBOR (DRIFT REMOVAL), MD.....	464	464
BALTIMORE HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS),	650	650
BALTIMORE HARBOR AND CHANNELS (50 FOOT), MD.....	22,568	22,568
CUMBERLAND, MD AND RIDGELEY, WV.....	157	157
HERRING BAY AND ROCKHOLD CREEK, MD.....	---	500
HONGA RIVER AND TAR BAY - BACK CREEK, MD.....	---	300
INSPECTION OF COMPLETED WORKS, MD.....	330	330
JENNINGS RANDOLPH LAKE, MD & WV.....	2,074	3,074
NANTICOKE HARBOR, MD.....	---	700
NANTICOKE RIVER NORTHWEST FORK, MD.....	865	865
NEALE SOUND, CHARLES COUNTY, MD.....	---	677
OCEAN CITY HARBOR AND INLET AND SINEPUXENT BAY, MD....	2,798	2,798

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
PROJECT CONDITION SURVEYS, MD.....	459	459
RHODES POINT TO TYLERTON, MD.....	736	736
SCHEDULING RESERVOIR OPERATIONS, MD.....	142	142
TOLCHESTER CHANNEL, MD.....	1,901	1,901
TWITCH COVE AND BIG THOROFARE RIVER, MD.....	742	742
WICOMICO RIVER, MD.....	450	450
MASSACHUSETTS		
ANDREWS RIVER, MA.....	---	130
AUNT LYDIA'S COVE, MA.....	---	300
BARRE FALLS DAM, MA.....	489	489
BIRCH HILL DAM, MA.....	511	511
BUFFUMVILLE LAKE, MA.....	427	427
CAPE COD CANAL, MA.....	10,150	10,150
CHARLES RIVER NATURAL VALLEY STORAGE AREA, MA.....	294	294
CONANT BROOK LAKE, MA.....	234	234
EAST BRIMFIELD LAKE, MA.....	325	325
GREEN HARBOR, MA.....	378	378
HODGES VILLAGE DAM, MA.....	416	416
INSPECTION OF COMPLETED WORKS, MA.....	125	125
KNIGHTVILLE DAM, MA.....	648	648
LITTLEVILLE LAKE, MA.....	476	476
NEW BEDFORD FAIRHAVEN AND ACUSHNET HURRICANE BARRIER, ..	358	358
PLYMOUTH HARBOR, MA.....	3,356	3,356
PROJECT CONDITION SURVEYS, MA.....	3,536	3,536
SCITUATE HARBOR, MA.....	---	1,500
TULLY LAKE, MA.....	665	665
WEST HILL DAM, MA.....	607	607
WESTVILLE LAKE, MA.....	397	397
MICHIGAN		
CHANNELS IN LAKE ST CLAIR, MI.....	118	118
CHARLEVOIX HARBOR, MI.....	122	122
DETROIT RIVER, MI.....	3,692	3,692
FRANKFORT HARBOR, MI.....	47	47
GRAND HAVEN HARBOR, MI.....	2,239	2,239
GRAND MARAIS HARBOR, MI.....	---	200
GRAND TRAVERSE BAY HARBOR, MI.....	10	10
HOLLAND HARBOR, MI.....	554	554
INSPECTION OF COMPLETED WORKS, MI.....	205	205
KEWEENAW WATERWAY, MI.....	804	804
LELAND HARBOR, MI.....	191	191
LUDINGTON HARBOR, MI.....	103	103
MANISTEE HARBOR, MI.....	42	42
MARQUETTE HARBOR, MI.....	239	239
MENOMINEE HARBOR, MI & WI.....	104	104
MONROE HARBOR, MI.....	52	52
MUSKEGON HARBOR, MI.....	451	451
ONTONAGON HARBOR, MI.....	1,544	1,544
PENTWATER HARBOR, MI.....	185	185
PORTAGE LAKE HARBOR, MI.....	2,518	2,518
PROJECT CONDITION SURVEYS, MI.....	275	275
ROUGE RIVER, MI.....	87	87
SAGINAW RIVER, MI.....	1,587	1,587
SAUGATUCK HARBOR, MI.....	1,231	1,231
SEBEWAING RIVER (ICE JAM REMOVAL), MI.....	10	10
SOUTH HAVEN HARBOR, MI.....	1,563	1,563
ST CLAIR RIVER, MI.....	759	759
ST JOSEPH HARBOR, MI.....	638	638
ST MARYS RIVER, MI.....	17,418	18,418
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MI.....	3,295	3,295

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE

MINNESOTA		
BIGSTONE LAKE WHETSTONE RIVER, MN & SD.....	217	217
DULUTH - SUPERIOR HARBOR, MN & WI.....	2,692	2,692
INSPECTION OF COMPLETED WORKS, MN.....	101	101
LAC QUI PARLE LAKES, MINNESOTA RIVER, MN.....	573	573
MINNESOTA RIVER, MN.....	130	130
MISS RIVER BTWN MO RIVER AND MINNEAPOLIS (MVP PORTION)	45,329	45,329
ORWELL LAKE, MN.....	337	337
PROJECT CONDITION SURVEYS, MN.....	7	7
RED LAKE RESERVOIR, MN.....	146	146
RESERVOIRS AT HEADWATERS OF MISSISSIPPI RIVER, MN.....	3,552	3,552
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MN.....	94	94
MISSISSIPPI		
BILOXI HARBOR, MS.....	30	30
CLAIRBORNE COUNTY PORT, MS.....	---	122
EAST FORK, TOMBIGBEE RIVER, MS.....	170	170
GULFPORT HARBOR, MS.....	2,100	2,100
INSPECTION OF COMPLETED WORKS, MS.....	126	126
MOUTH OF YAZOO RIVER, MS.....	---	120
OKATIBBEE LAKE, MS.....	1,584	1,584
PASCAGOULA HARBOR, MS.....	4,200	4,200
PEARL RIVER, MS & LA.....	250	250
ROSDALE HARBOR, MS.....	---	661
YAZOO RIVER, MS.....	---	115
MISSOURI		
CARUTHERSVILLE HARBOR, MO.....	---	240
CLARENCE CANNON DAM AND MARK TWAIN LAKE, MO.....	6,196	6,196
CLEARWATER LAKE, MO.....	2,184	3,819
HARRY S TRUMAN DAM AND RESERVOIR, MO.....	8,215	8,215
INSPECTION OF COMPLETED WORKS, MO.....	142	142
LITTLE BLUE RIVER LAKES, MO.....	800	800
LONG BRANCH LAKE, MO.....	876	876
MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	13,068	13,068
NEW MADRID HARBOR, MO.....	---	290
POMME DE TERRE LAKE, MO.....	2,204	2,204
PROJECT CONDITION SURVEYS, MO.....	10	10
SMITHVILLE LAKE, MO.....	1,128	1,128
SOUTHEAST MISSOURI PORT, MISSISSIPPI RIVER.....	---	400
STOCKTON LAKE, MO.....	4,065	4,065
TABLE ROCK LAKE, MO.....	6,826	8,826
UNION LAKE, MO.....	10	10
MONTANA		
FT PECK DAM AND LAKE, MT.....	4,342	4,342
LIBBY DAM, LAKE KOOCANUSA, MT.....	1,791	1,791
NEBRASKA		
GAVINS POINT DAM, LEWIS AND CLARK LAKE, NE & SD.....	6,495	6,745
HARLAN COUNTY LAKE, NE.....	2,019	2,019
MISSOURI NATIONAL RECREATIONAL RIVER, NE.....	---	275
MISSOURI R MASTER WTR CONTROL MANUAL, NE, IA, KS, MO, .	500	500
MISSOURI RIVER BASIN COLLABORATIVE WATER PLANNING (NWK	80	80
MISSOURI RIVER BASIN COLLABORATIVE WATER PLANNING (NWO	125	125
PAPILLION CREEK AND TRIBUTARIES LAKES, NE.....	611	611
SALT CREEK AND TRIBUTARIES, NE.....	847	847
SCHEDULING RESERVOIR OPERATIONS, NE.....	329	329

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
NEVADA		
INSPECTION OF COMPLETED WORKS, NV.....	43	43
MARTIS CREEK LAKE, NV & CA.....	576	576
PINE AND MATHEWS CANYONS LAKES, NV.....	210	210
NEW HAMPSHIRE		
BLACKWATER DAM, NH.....	607	607
COCHECO RIVER.....	---	300
EDWARD MACDOWELL LAKE, NH.....	460	460
FRANKLIN FALLS DAM, NH.....	1,104	1,104
HOPKINTON - EVERETT LAKES, NH.....	1,412	1,412
OTTER BROOK LAKE, NH.....	781	781
PORTSMOUTH HARBOR AND PISCATAQUA RIVER, NH.....	287	287
SAGAMORE CREEK CHANNEL, NH.....	---	400
SURRY MOUNTAIN LAKE, NH.....	749	749
NEW JERSEY		
BARNEGAT INLET, NJ.....	1,400	3,200
COLD SPRING INLET, NJ.....	410	410
DELAWARE RIVER AT CAMDEN, NJ.....	19	19
DELAWARE RIVER, PHILADELPHIA TO THE SEA, NJ, PA & DE..	17,105	19,105
DELAWARE RIVER, PHILADELPHIA, PA TO TRENTON, NJ.....	3,465	3,465
NEW JERSEY INTRACOASTAL WATERWAY, NJ.....	2,800	2,800
NEWARK BAY, HACKENSACK AND PASSAIC RIVERS, NJ.....	2,900	2,900
PASSAIC RIVER FLOOD WARNING SYSTEMS, NJ.....	425	425
SHARK RIVER, NJ.....	100	100
SHREWSBURY RIVER, MAIN CHANNEL, NJ.....	---	130
NEW MEXICO		
ABIQUIU DAM, NM.....	1,556	3,056
COCHITI LAKE, NM.....	2,209	2,209
CONCHAS LAKE, NM.....	1,932	1,932
GALISTEO DAM, NM.....	368	468
INSPECTION OF COMPLETED WORKS, NM.....	80	80
JEMEZ CANYON DAM, NM.....	541	541
SANTA ROSA DAM AND LAKE, NM.....	1,049	1,229
SCHEDULING RESERVOIR OPERATIONS, NM.....	130	130
TWO RIVERS DAM, NM.....	328	328
UPPER RIO GRANDE WATER OPERATIONS MODEL.....	---	1,500
NEW YORK		
ALMOND LAKE, NY.....	463	463
ARKPORT DAM, NY.....	252	252
BLACK ROCK CHANNEL AND TONAWANDA HARBOR, NY.....	2,795	2,795
BUFFALO HARBOR, NY.....	515	515
DUNKIRK HARBOR, NY.....	280	280
EAST RIVER, NY.....	600	600
EAST ROCKAWAY INLET, NY.....	250	250
EAST SIDNEY LAKE, NY.....	513	513
FIRE ISLAND INLET TO JONES INLET, NY.....	2,300	2,300
FLUSHING BAY AND CREEK, NY.....	3,000	4,000
GREAT KILLS HARBOR, NY.....	---	1,000
GREAT SODUS BAY HARBOR, NY.....	50	50
GREAT SOUTH BAY, NY.....	100	100
HUDSON RIVER, NY (MAINT).....	2,525	2,525
HUDSON RIVER, NY (O&C).....	1,340	1,340
INSPECTION OF COMPLETED WORKS, NY.....	509	509
JAMAICA BAY, NY.....	250	250
JONES INLET, NY.....	100	100

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
LAKE MONTAUK HARBOR, NY.....	80	80
LITTLE SODUS BAY HARBOR, NY.....	50	50
LONG ISLAND INTRACOASTAL WATERWAY, NY.....	70	70
MORICHES INLET, NY.....	80	80
MT MORRIS LAKE, NY.....	2,616	2,616
NEW YORK AND NEW JERSEY CHANNELS, NY.....	4,250	4,250
NEW YORK HARBOR (DRIFT REMOVAL), NY & NJ.....	5,030	5,030
NEW YORK HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS),..	750	750
NEW YORK HARBOR, NY.....	5,570	5,570
OSWEGO HARBOR, NY.....	20	20
PLATTSBURGH HARBOR, NY.....	---	2,000
PROJECT CONDITION SURVEYS, NY.....	2,563	2,563
ROCHESTER HARBOR, NY.....	35	35
RONDOUT HARBOR, NY.....	475	475
SAG HARBOR, NY.....	925	925
SHINNECOCK INLET, NY.....	100	100
SOUTHERN NEW YORK FLOOD CONTROL PROJECTS, NY.....	750	750
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, NY.....	479	479
WHITNEY POINT LAKE, NY.....	564	564
NORTH CAROLINA		
ATLANTIC INTRACOASTAL WATERWAY, NC.....	2,391	5,000
B EVERETT JORDAN DAM AND LAKE, NC.....	3,065	3,065
BEAUFORT HARBOR, NC.....	35	35
BOGUE INLET AND CHANNEL, NC.....	1,267	1,267
CAPE FEAR RIVER ABOVE WILMINGTON, NC.....	486	486
CAROLINA BEACH INLET, NC.....	1,060	1,060
FALLS LAKE, NC.....	1,516	1,516
INSPECTION OF COMPLETED WORKS, NC.....	22	22
LOCKWOODS FOLLY RIVER, NC.....	895	1,895
MANTEO (SHALLOWBAG) BAY, NC.....	4,863	4,863
MASONBORO INLET AND CONNECTING CHANNELS, NC.....	2,245	2,945
MOREHEAD CITY HARBOR, NC.....	4,450	4,750
NEW RIVER INLET, NC.....	1,235	1,235
NEW TOPSAIL INLET AND CONNECTING CHANNELS, NC.....	940	940
PAMLICO AND TAR RIVERS, NC.....	139	139
PROJECT CONDITION SURVEYS, NC.....	64	64
ROANOKE RIVER, NC.....	100	100
W KERR SCOTT DAM AND RESERVOIR, NC.....	2,253	2,253
WILMINGTON HARBOR, NC.....	5,105	5,105
NORTH DAKOTA		
BOWMAN - HALEY LAKE, ND.....	210	210
GARRISON DAM, LAKE SAKAKAWEA, ND.....	9,111	9,911
HOMME LAKE, ND.....	164	164
INSPECTION OF COMPLETED WORKS, ND.....	52	52
LAKE ASHTABULA AND BALDHILL DAM, ND.....	1,264	1,264
PIPESTEM LAKE, ND.....	402	402
SOURIS RIVER, ND.....	385	385
OHIO		
ALUM CREEK LAKE, OH.....	799	799
ASHTABULA HARBOR, OH.....	2,051	2,051
BERLIN LAKE, OH.....	1,872	1,872
CAESAR CREEK LAKE, OH.....	1,142	1,142
CLARENCE J BROWN DAM, OH.....	723	723
CLEVELAND HARBOR, OH.....	3,700	3,700
CONNEAUT HARBOR, OH.....	30	30
DEER CREEK LAKE, OH.....	903	903
DELAWARE LAKE, OH.....	642	642
DILLON LAKE, OH.....	527	527

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
FAIRPORT HARBOR, OH.....	1,235	1,235
HURON HARBOR, OH.....	1,040	1,040
INSPECTION OF COMPLETED WORKS, OH.....	166	166
LORAIN HARBOR, OH.....	1,100	1,100
MASSILLON LOCAL PROTECTION PROJECT, OH.....	25	25
MICHAEL J KIRWAN DAM AND RESERVOIR, OH.....	809	809
MOSQUITO CREEK LAKE, OH.....	1,054	1,054
MUSKINGUM RIVER LAKES, OH.....	6,284	6,284
NORTH BRANCH KOKOSING RIVER LAKE, OH.....	358	358
PAINT CREEK LAKE, OH.....	680	680
PORT CLINTON HARBOR, OH.....	1,080	1,080
PROJECT CONDITION SURVEYS, OH.....	85	85
ROSEVILLE LOCAL PROTECTION PROJECT, OH.....	30	30
SANDUSKY HARBOR, OH.....	950	950
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OH.....	190	190
TOLEDO HARBOR, OH.....	3,211	3,211
TOM JENKINS DAM, OH.....	229	229
TOUSSAINT RIVER, OH.....	10	10
WEST FORK OF MILL CREEK LAKE, OH.....	476	476
WILLIAM H HARSHA LAKE, OH.....	816	816

OKLAHOMA

ARCADIA LAKE, OK.....	429	429
BIRCH LAKE, OK.....	572	572
BROKEN BOW LAKE, OK.....	1,549	1,549
CANDY LAKE, OK.....	18	18
CANTON LAKE, OK.....	3,012	3,012
COPAN LAKE, OK.....	824	824
EUFULA LAKE, OK.....	6,277	6,277
FORT GIBSON LAKE, OK.....	4,144	4,144
FORT SUPPLY LAKE, OK.....	879	879
GREAT SALT PLAINS LAKE, OK.....	234	234
HEYBURN LAKE, OK.....	572	572
HUGO LAKE, OK.....	1,670	1,800
HULAH LAKE, OK.....	406	406
INSPECTION OF COMPLETED WORKS, OK.....	91	91
KAW LAKE, OK.....	1,840	1,840
KEYSTONE LAKE, OK.....	5,553	5,553
MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, OK.....	3,025	3,025
OLOGAH LAKE, OK.....	1,843	1,843
OPTIMA LAKE, OK.....	56	56
PENSACOLA RESERVOIR, LAKE OF THE CHEROKEES, OK.....	32	32
PINE CREEK LAKE, OK.....	1,170	1,170
ROBERT S KERR LOCK AND DAM AND RESERVOIRS, OK.....	5,130	5,130
SARDIS LAKE, OK.....	913	913
SCHEDULING RESERVOIR OPERATIONS, OK.....	370	370
SKIATOOK LAKE, OK.....	893	893
TENKILLER FERRY LAKE, OK.....	3,228	3,228
WAURIKA LAKE, OK.....	1,426	1,426
WEBBERS FALLS LOCK AND DAM, OK.....	3,557	3,557
WISTER LAKE, OK.....	602	672

OREGON

APPLEGATE LAKE, OR.....	720	720
BLUE RIVER LAKE, OR.....	260	260
BONNEVILLE LOCK AND DAM, OR & WA.....	5,430	5,880
CHEFCO RIVER, OR.....	402	402
COLUMBIA & LWR WILLAMETTE R BLW VANCOUVER, WA & PORTLA.....	13,042	16,042
COLUMBIA RIVER AT THE MOUTH, OR & WA.....	7,818	8,018
COLUMBIA RIVER BETWEEN VANCOUVER, WA AND THE DALLES, O.....	352	352
COOS BAY, OR.....	4,692	4,692
COQUILLE RIVER, OR.....	193	193

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
COTTAGE GROVE LAKE, OR.....	981	981
COUGAR LAKE, OR.....	752	752
DEPOE BAY, OR.....	3	3
DETROIT LAKE, OR.....	584	584
DORENA LAKE, OR.....	649	649
FALL CREEK LAKE, OR.....	722	722
FERN RIDGE LAKE, OR.....	952	952
GREEN PETER - FOSTER LAKES, OR.....	1,196	1,196
HILLS CREEK LAKE, OR.....	377	377
INSPECTION OF COMPLETED WORKS, OR.....	176	176
JOHN DAY LOCK AND DAM, OR & WA.....	4,056	4,356
LOOKOUT POINT LAKE, OR.....	1,818	1,818
LOST CREEK LAKE, OR.....	3,049	3,049
MCNARY LOCK AND DAM, OR & WA.....	3,650	3,650
PORT ORFORD, OR.....	631	631
PROJECT CONDITION SURVEYS, OR.....	200	200
ROGUE RIVER AT GOLD BEACH, OR.....	674	674
SCHEDULING RESERVOIR OPERATIONS, OR.....	69	69
SIUSLAW RIVER, OR.....	781	781
SKIPANON CHANNEL, OR.....	161	161
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OR.....	134	134
TILLAMOOK BAY AND BAR, OR.....	14	214
UMPQUA RIVER, OR.....	834	834
WILLAMETTE RIVER AT WILLAMETTE FALLS, OR.....	291	291
WILLAMETTE RIVER BANK PROTECTION, OR.....	68	68
WILLOW CREEK LAKE, OR.....	830	830
YAQUINA BAY AND HARBOR, OR.....	2,354	2,454

PENNSYLVANIA

ALLEGHENY RIVER, PA.....	6,015	6,015
ALVIN R BUSH DAM, PA.....	622	622
AYLESWORTH CREEK LAKE, PA.....	229	229
BELTZVILLE LAKE, PA.....	1,355	1,355
BLUE MARSH LAKE, PA.....	2,285	2,285
CONEMAUGH RIVER LAKE, PA.....	945	945
COWANESQUE LAKE, PA.....	1,887	1,887
CROOKED CREEK LAKE, PA.....	2,001	2,001
CURWENSVILLE LAKE, PA.....	676	676
EAST BRANCH CLARION RIVER LAKE, PA.....	1,322	1,322
ERIE HARBOR, PA.....	70	70
FOSTER JOSEPH SAYERS DAM, PA.....	729	729
FRANCIS E WALTER DAM, PA.....	797	1,097
GENERAL EDGAR JADWIN DAM AND RESERVOIR, PA.....	365	365
INSPECTION OF COMPLETED WORKS, PA.....	95	95
JOHNSTOWN, PA.....	1,115	1,115
KINZUA DAM AND ALLEGHENY RESERVOIR, PA.....	1,189	1,189
LOYALHANNA LAKE, PA.....	977	977
MAHONING CREEK LAKE, PA.....	1,093	1,093
MONONGAHELA RIVER, PA.....	14,203	14,203
OHIO RIVER LOCKS AND DAMS, PA, OH & WV.....	19,321	19,321
OHIO RIVER OPEN CHANNEL WORK, PA, OH & WV.....	58	58
PROJECT CONDITION SURVEYS, PA.....	88	88
PROMPTON LAKE, PA.....	482	482
PUNXSUTAWNEY, PA.....	15	15
RAYSTOWN LAKE, PA.....	3,902	3,902
SCHUYLKILL RIVER, PA.....	1,315	1,315
SHENANGO RIVER LAKE, PA.....	2,252	2,252
STILLWATER LAKE, PA.....	350	350
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, PA.....	65	65
TIOGA - HAMMOND LAKES, PA.....	2,501	2,501
TIONESTA LAKE, PA.....	2,262	3,012
UNION CITY LAKE, PA.....	221	221
WOODCOCK CREEK LAKE, PA.....	761	761

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
YORK INDIAN ROCK DAM, PA.....	547	547
YOUGHIOGHENY RIVER LAKE, PA & MD.....	1,871	1,871
RHODE ISLAND		
PROVIDENCE RIVER AND HARBOR, RI.....	2,110	2,610
SOUTH CAROLINA		
ATLANTIC INTRACOASTAL WATERWAY, SC.....	1,575	2,000
CHARLESTON HARBOR, SC.....	5,171	5,171
COOPER RIVER, CHARLESTON HARBOR, SC.....	3,201	3,201
FOLLY RIVER, SC.....	748	748
GEORGETOWN HARBOR, SC.....	5,738	5,738
INSPECTION OF COMPLETED WORKS, SC.....	26	26
MURRELLS INLET, SC.....	---	2,200
PORT ROYAL HARBOR, SC.....	169	500
PROJECT CONDITION SURVEYS, SC.....	45	45
SHIPYARD RIVER, SC.....	486	486
TOWN CREEK, SC.....	305	305
SOUTH DAKOTA		
BIG BEND DAM, LAKE SHARPE, SD.....	6,136	6,386
COLD BROOK LAKE, SD.....	433	433
COTTONWOOD SPRINGS LAKE, SD.....	197	197
FORT RANDALL DAM, LAKE FRANCIS CASE, SD.....	8,044	8,294
LAKE TRAVERSE, SD & MN.....	531	531
MISSOURI R BETWEEN FORT PECK DAM AND GAVINS PT, SD, MT	625	625
OAHE DAM, LAKE OAHE, SD & ND.....	9,480	9,730
SCHEDULING RESERVOIR OPERATIONS, SD.....	306	306
TENNESSEE		
CENTER HILL LAKE, TN.....	4,757	4,757
CHEATHAM LOCK AND DAM, TN.....	4,217	4,217
CHICKAMAUGA LOCK, TN.....	2,315	2,315
CORDELL HULL DAM AND RESERVOIR, TN.....	3,910	3,910
DALE HOLLOW LAKE, TN.....	4,217	4,217
INSPECTION OF COMPLETED WORKS, TN.....	97	97
J PERCY PRIEST DAM AND RESERVOIR, TN.....	3,222	3,222
OLD HICKORY LOCK AND DAM, TN.....	5,981	5,981
PROJECT CONDITION SURVEYS, TN.....	19	19
TENNESSEE RIVER, TN.....	16,422	16,422
WOLF RIVER HARBOR, TN.....	---	450
TEXAS		
AQUILLA LAKE, TX.....	708	708
ARKANSAS - RED RIVER BASINS CHLORIDE CONTROL - AREA VI	1,267	1,267
BARBOUR TERMINAL CHANNEL, TX.....	577	577
BARDWELL LAKE, TX.....	1,499	1,499
BAYPORT SHIP CHANNEL, TX.....	2,275	2,275
BELTON LAKE, TX.....	2,578	2,578
BENBROOK LAKE, TX.....	2,290	2,290
BRAZOS ISLAND HARBOR, TX.....	1,222	1,222
BUFFALO BAYOU AND TRIBUTARIES, TX.....	2,977	2,977
CANYON LAKE, TX.....	2,743	2,743
CORPUS CHRISTI SHIP CHANNEL, TX.....	5,399	5,399
DENISON DAM, LAKE TEXOMA, TX.....	5,532	5,532
ESTELLINE SPRINGS EXPERIMENTAL PROJECT, TX.....	5	5
FERRELLS BRIDGE DAM, LAKE O' THE PINES, TX.....	2,554	2,554
FREEPORT HARBOR, TX.....	6,950	6,950
GALVESTON HARBOR AND CHANNEL, TX.....	130	130

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
GIWW, CHANNEL TO VICTORIA, TX.....	585	585
GRANGER DAM AND LAKE, TX.....	1,535	1,535
GRAPEVINE LAKE, TX.....	2,478	2,478
GULF INTRACOASTAL WATERWAY, TX.....	19,994	19,994
HORDS CREEK LAKE, TX.....	1,190	1,190
HOUSTON SHIP CHANNEL, TX.....	7,555	13,000
INSPECTION OF COMPLETED WORKS, TX.....	452	452
JIM CHAPMAN LAKE, TX.....	1,189	1,189
JOE POOL LAKE, TX.....	784	784
LAKE KEMP, TX.....	143	143
LAVON LAKE, TX.....	2,485	2,485
LEWISVILLE DAM, TX.....	3,253	3,253
MATAGORDA SHIP CHANNEL, TX.....	1,665	1,665
MOUTH OF THE COLORADO RIVER, TX.....	2,480	2,480
NAVARRO MILLS LAKE, TX.....	1,596	1,596
NORTH SAN GABRIEL DAM AND LAKE GEORGETOWN, TX.....	1,748	1,748
O C FISHER DAM AND LAKE, TX.....	893	893
PAT MAYSE LAKE, TX.....	976	976
PROCTOR LAKE, TX.....	1,659	2,259
PROJECT CONDITION SURVEYS, TX.....	15	15
RAY ROBERTS LAKE, TX.....	821	821
SABINE - NECHES WATERWAY, TX.....	14,272	14,272
SAM RAYBURN DAM AND RESERVOIR, TX.....	4,417	4,417
SCHEDULING RESERVOIR OPERATIONS, TX.....	243	243
SOMERVILLE LAKE, TX.....	2,555	2,555
STILLHOUSE HOLLOW DAM, TX.....	1,719	1,719
TEXAS WATER ALLOCATION ASSESSMENT, TX.....	1,500	1,500
TOWN BLUFF DAM, B A STEINHAGEN LAKE, TX.....	1,748	1,748
TRINITY RIVER AND TRIBUTARIES, TX.....	1,000	2,000
WACO LAKE, TX.....	2,412	3,912
WALLISVILLE LAKE, TX.....	1,320	1,320
WHITNEY LAKE, TX.....	4,227	4,800
WRIGHT PATMAN DAM AND LAKE, TX.....	2,611	2,611
UTAH		
INSPECTION OF COMPLETED WORKS, UT.....	75	75
SCHEDULING RESERVOIR OPERATIONS, UT.....	390	390
VERMONT		
BALL MOUNTAIN LAKE, VT.....	743	743
BURLINGTON HARBOR BREAKWATER, VT.....	250	2,000
NARROWS OF LAKE CHAMPLAIN, VT & NY.....	95	95
NORTH HARTLAND LAKE, VT.....	635	635
NORTH SPRINGFIELD LAKE, VT.....	700	700
TOWNSHEND LAKE, VT.....	764	764
UNION VILLAGE DAM, VT.....	506	651
VIRGINIA		
APPOMATTOX RIVER, VA.....	749	749
ATLANTIC INTRACOASTAL WATERWAY - ACC, VA.....	1,795	1,795
ATLANTIC INTRACOASTAL WATERWAY - DSC, VA.....	835	835
CHINCOTEAGUE BAY CHANNEL, VA.....	430	430
CHINCOTEAGUE INLET, VA.....	898	898
GATHRIGHT DAM AND LAKE MOOMAW, VA.....	1,535	1,535
HAMPTON RDS, NORFOLK & NEWPORT NEWS HBR, VA (DRIFT REM	1,095	1,095
INSPECTION OF COMPLETED WORKS, VA.....	59	59
JAMES RIVER CHANNEL, VA.....	3,680	3,680
JOHN H KERR LAKE, VA & NC.....	10,013	10,013
JOHN W FLANNAGAN DAM AND RESERVOIR, VA.....	1,387	1,387
LYNNHAVEN INLET, VA.....	916	916
NORFOLK HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS), V	215	215

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
NORFOLK HARBOR, VA.....	6,439	6,439
NORTH FORK OF POUND RIVER LAKE, VA.....	328	328
PAGAN RIVER, VA.....	145	145
PHILPOTT LAKE, VA.....	3,865	3,865
PROJECT CONDITION SURVEYS, VA.....	630	630
RUDEE INLET, VA.....	1,053	1,053
WATERWAY ON THE COAST OF VIRGINIA, VA.....	1,190	1,190
WINTER HARBOR, VA.....	---	1,000
YORK RIVER, VA.....	155	155
WASHINGTON		
CHIEF JOSEPH DAM, WA.....	848	848
COLUMBIA RIVER AT BAKER BAY, WA & OR.....	28	28
COLUMBIA RIVER BETWEEN CHINOOK AND SAND ISLAND, WA....	36	36
EDIZ HOOK, WA.....	718	718
EVERETT HARBOR AND SNOHOMISH RIVER, WA.....	1,345	1,345
GRAYS HARBOR AND CHEHALIS RIVER, WA.....	11,275	15,075
HOWARD HANSON DAM, WA.....	1,739	1,739
ICE HARBOR LOCK AND DAM, WA.....	3,249	3,249
INSPECTION OF COMPLETED WORKS, WA.....	243	243
LAKE WASHINGTON SHIP CANAL, WA.....	7,200	7,200
LITTLE GOOSE LOCK AND DAM, WA.....	1,290	1,590
LOWER GRANITE LOCK AND DAM, WA.....	6,114	6,114
LOWER MONUMENTAL LOCK AND DAM, WA.....	2,230	2,230
MILL CREEK LAKE, WA.....	3,016	3,016
MT ST HELENS SEDIMENT CONTROL, WA.....	319	319
MUD MOUNTAIN DAM, WA.....	2,319	2,319
NEAH BAY, WA.....	30	30
PROJECT CONDITION SURVEYS, WA.....	253	253
PUGET SOUND AND TRIBUTARY WATERS, WA.....	938	938
QUILLAYUTE RIVER, WA.....	1,760	1,760
SCHEDULING RESERVOIR OPERATIONS, WA.....	427	427
SEATTLE HARBOR, EAST WATERWAY CHANNEL DEEPENING, WA....	300	300
SEATTLE HARBOR, WA.....	620	620
STILLAGUAMISH RIVER, WA.....	240	240
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WA.....	58	58
SWINOMISH CHANNEL, WA.....	515	515
TACOMA, PUYALLUP RIVER, WA.....	123	123
THE DALLES LOCK AND DAM, WA & OR.....	2,961	3,261
WILLAPA RIVER AND HARBOR, WA.....	435	885
WEST VIRGINIA		
BEECH FORK LAKE, WV.....	1,074	1,074
BLUESTONE LAKE, WV.....	1,231	6,661
BURNSVILLE LAKE, WV.....	1,783	1,783
EAST LYNN LAKE, WV.....	1,687	1,687
ELKINS, WV.....	18	18
INSPECTION OF COMPLETED WORKS, WV.....	211	211
KANAWHA RIVER LOCKS AND DAMS, WV.....	6,799	6,799
OHIO RIVER LOCKS AND DAMS, WV, KY & OH.....	16,738	20,053
OHIO RIVER OPEN CHANNEL WORK, WV, KY & OH.....	2,407	2,407
R D BAILEY LAKE, WV.....	1,582	1,582
STONEWALL JACKSON LAKE, WV.....	888	888
SUMMERSVILLE LAKE, WV.....	1,458	1,458
SUTTON LAKE, WV.....	2,016	2,016
TYGART LAKE, WV.....	3,223	3,223
WHEELING CREEK, VA.....	---	2,000
WISCONSIN		
EAU GALLE RIVER LAKE, WI.....	736	736
FOX RIVER, WI.....	4,004	9,004
GREEN BAY HARBOR, WI.....	1,641	1,641

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
INSPECTION OF COMPLETED WORKS, WI.....	17	17
KENOSHA HARBOR, WI.....	1,122	1,122
KEWAUNEE HARBOR, WI.....	210	210
LAFARGE LAKE, WI.....	56	56
MANITOWOC HARBOR, WI.....	249	249
MILWAUKEE HARBOR, WI.....	603	603
PENSAUKEE HARBOR, WI.....	488	488
PORT WING HARBOR, WI.....	260	260
PROJECT CONDITION SURVEYS, WI.....	8	8
SHEBOYGAN HARBOR, WI.....	46	46
STURGEON BAY HARBOR AND LAKE MICHIGAN SHIP CANAL, WI..	2,625	2,625
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WI.....	42	42
TWO RIVERS HARBOR, WI.....	1,102	1,102
WYOMING		
JACKSON HOLE LEVEES, WY.....	1,198	1,198
MISCELLANEOUS		
AQUATIC NUISANCE CONTROL RESEARCH.....	700	700
COASTAL INLET RESEARCH PROGRAM.....	2,750	2,750
CULTURAL RESOURCES (NAGPRA/CURATION).....	1,500	1,500
DREDGE WHEELER READY RESERVE.....	8,000	8,000
DREDGING DATA AND LOCK PERFORMANCE MONITORING SYSTEM..	1,000	1,000
DREDGING OPERATIONS AND ENVIRONMENTAL RESEARCH (DOER)..	7,000	7,000
DREDGING OPERATIONS TECHNICAL SUPPORT (DOTS) PROGRAM..	1,500	1,500
EARTHQUAKE HAZARDS PROGRAM FOR BUILDINGS AND LIFELINES	500	500
GREAT LAKES SEDIMENT TRANSPORT MODELS.....	500	1,000
HARBOR MAINTENANCE FEE DATA COLLECTION.....	575	575
INLAND WATERWAY NAVIGATION CHARTS.....	---	4,000
MANAGEMENT TOOLS FOR O&M.....	500	500
MONITORING OF COASTAL NAVIGATION PROJECTS.....	1,700	1,700
NATIONAL DAM SAFETY PROGRAM.....	40	40
NATIONAL DAM SECURITY PROGRAM.....	25	25
NATIONAL EMERGENCY PREPAREDNESS PROGRAMS (NEPP).....	4,000	4,000
NATIONAL LEWIS AND CLARK COMMEMORATION COORDINATOR....	300	300
PERFORMANCE BASED BUDGETING SUPPORT PROGRAM.....	415	415
PROTECTING, CLEARING AND STRAIGHTENING CHANNELS(SEC 3)	50	50
RECREATION MANAGEMENT SUPPORT PROGRAM (RMSP).....	1,500	1,500
REGIONAL SEDIMENT MANAGEMENT SEDIMENT DEMO PROGRAM....	1,500	1,500
RELIABILITY MODELS PROGRAM FOR MAJOR REHABILITATION...	675	675
REMOVAL OF SUNKEN VESSELS.....	500	500
WATER OPERATIONS TECHNICAL SUPPORT (WOTS) PROGRAM.....	700	700
WATERBORNE COMMERCE STATISTICS.....	4,000	4,000
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE.....	-16,457	-73,662
=====		
TOTAL, OPERATION AND MAINTENANCE.....	1,745,000	1,874,803
=====		

TITLE II

DEPARTMENT OF THE INTERIOR
CENTRAL UTAH PROJECT
CENTRAL UTAH PROJECT COMPLETION
ACCOUNT

The conference agreement appropriates \$36,228,000 to carry out the provisions of the Central Utah Project Completion Act as proposed by the House and the Senate. The conferees are in agreement with the language in the Senate report regarding the Uinta Basin Replacement Project.

BUREAU OF RECLAMATION

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Bureau of Reclamation. Additional items of conference agreement are discussed below.

WATER AND RELATED RESOURCES

The conference agreement appropriates \$762,531,000 for Water and Related Resources instead of \$691,160,000 as proposed by the House and \$732,496,000 as proposed by the Senate.

The amount provided for the American River Division of the Central Valley Project includes \$3,500,000 for the Bureau of Reclamation to reimburse the City of Folsom, California, for costs associated with the replacement of the Natoma Pipeline System, which is owned and operated by the Bureau of Reclamation and is the single water supply source for the City.

The amount provided for the East Side Division of the Central Valley Project includes \$1,000,000 for water and sewer system upgrades and a visitor capacity study at New Melones Lake.

The amount provided for Miscellaneous Project Programs of the Central Valley Project includes an additional \$1,000,000 for the Banta-Carbona Irrigation District's fish screen project.

The amount provided for the Sacramento River Division of the Central Valley Project includes \$2,600,000 for the Glenn-Colusa Irrigation District Fish Screen Improvement Project; \$750,000 for detailed, site-specific environmental assessment and permitting work associated with Sites Reservoir, including an evaluation of both the GCID Main Canal and the Tehama-Colusa Canal as a means to convey water to the proposed reservoir; and \$300,000 for the Colusa Basin Drainage District's Integrated Resources Management Plan.

The conference agreement provides \$2,500,000 for the Lake Tahoe Regional Wetlands Development program. In addition to the individual projects referenced in the House and Senate reports, the conferees agree that the funds may be used for projects throughout the Lake Tahoe basin in California and Nevada.

The conferees have provided an additional \$11,200,000 for the Middle Rio Grande, New Mexico, project for the Bureau of Reclamation to continue the efforts of the Middle Rio Grande Collaborative Program Workgroup and its support activities to water users and species along the Middle Rio Grande. These efforts are intended to promote long and short term activities, with priority given to fulfillment of biological opinion requirements, to benefit species and water users pursuant to a Memorandum of Understanding signed by the relevant agencies and interested parties. The additional funds provided are for the following activities: \$4,300,000 for modifications to river habitat; \$2,180,000 for silvery minnow population management; \$1,100,000 for monitoring of stream effects on the silvery minnow; \$120,000 to combat non-native species; \$640,000 for the Bureau of Reclamation's re-

payment obligations; \$950,000 for water quality studies and improvements; \$1,900,000 for the Bureau of Reclamation's purchase of water; and for associated program management. The conferees direct the Bureau of Reclamation to consult with the U.S. Fish and Wildlife Service on the silvery minnow monitoring and habitat efforts. In addition, the Bureau of Reclamation is directed to collaborate with universities in geographical proximity to the silvery minnow and possessing established experience and expertise in working with the silvery minnow.

The Colorado River Quantification Settlement Agreement is critically important to the long-term reliability of water supplies in Southern California and the entire Southwest. The conferees urge the Secretary of the Interior and parties to the Agreement to make every effort to bring about its timely and cost-effective implementation, including identifying the administrative and legislative actions necessary to meet the applicable deadlines.

The conferees have provided \$15,000,000 for the Klamath Project in Oregon. Of that amount, \$5,000,000 is to continue construction of the A-Canal.

The conference agreement includes \$2,582,000 for the Drought Emergency Assistance program. Within that amount, \$2,000,000 is for the Bureau of Reclamation to establish a Weather Damage Modification Program, including a regional weather modification research program involving the states of Oklahoma, Texas, Kansas, New Mexico, and Nevada. In addition, funds may be made available for leasing of water for specific drought related purposes from willing lessors in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase provided that the purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

Within the amount provided for the Wetlands Development Program, \$500,000 is for the Bureau of Reclamation to undertake a project to restore natural vegetation along the lower Colorado River in the vicinity of Yuma, Arizona.

The conference agreement includes language which provides that \$12,000,000 of the funds appropriated for Water and Related Resources shall be deposited in the San Gabriel Basin, California, Restoration Fund, of which \$1,000,000 shall be for remediation in the Central Basin Municipal Water District.

The conference agreement includes language proposed by the Senate providing \$1,500,000 to complete a feasibility study for the Sante Fe—Pojoaque Regional Water System in New Mexico.

The conference agreement deletes language proposed by the Senate making \$4,000,000 available for the West River/Lyman Jones Rural Water System to provide rural, municipal, and industrial drinking water for Philip, South Dakota. Funds for this work have been provided within the amount available for the Mni Wiconi project.

The conference agreement deletes language proposed by the Senate regarding financial assistance for the preparation of drought contingency plans.

The conference agreement deletes language proposed by the Senate providing funds for the Hopi/Western Navajo Water Development Plan in Arizona, and the Savage Rapids Dam on the Rogue River in Oregon. Funds for these projects have been included within the amount appropriated for Water and Related Resources.

BUREAU OF RECLAMATION LOAN PROGRAM
ACCOUNT

The conference agreement appropriates \$7,495,000 for the Bureau of Reclamation

Loan Program Account as proposed by the House and the Senate.

CENTRAL VALLEY PROJECT RESTORATION FUND

The conference agreement appropriates \$55,039,000 for the Central Valley Project Restoration Fund as proposed by the House and the Senate.

Within the amount appropriated for the Central Valley Project Restoration Fund, the conferees expect the Bureau of Reclamation to use \$9,000,000 for the Anadromous Fish Screen Program, including work on the American Basin Fish Screen and Habitat Improvement Project (Natomas Municipal Water Company) as well as the fish screen projects being undertaken by the Sutter Mutual Water Company and Reclamation District 108.

CALIFORNIA BAY-DELTA ECOSYSTEM
RESTORATION

The conference agreement includes no funds for the California Bay-Delta Ecosystem Restoration program as proposed by the House and the Senate.

The conferees have provided an additional \$30,000,000 within the various units of the Central Valley Project under the Water and Related Resources account for activities that support the goals of the California Bay-Delta Ecosystem Restoration Program, instead of \$40,000,000 as proposed by the Senate. The conferees are aware that legislation to authorize this multi-year, multi-billion dollar program has been introduced in the House and the Senate, but has yet to be enacted. Absent such an authorization, it will be difficult for the Congress to continue its support for this program. Therefore, the conferees strongly urge the parties involved to work to enact an authorization for the program so additional funding can be considered in the fiscal year 2003 appropriations cycle. The additional funds provided in support of the program are to be used as follows:

Delta Division: \$7,500,000 for oversight activities; \$1,000,000 for planning activities associated with enlarging Los Vaqueros Reservoir; \$200,000 for the DMC Intertie with the California Aqueduct; \$150,000 to evaluate operations alternatives for the Delta Cross Channel Reoperation; and \$3,000,000 to construct the Tracy Test Fish Facility.

Friant Division: \$2,500,000 to continue developing a plan of study for an investigation of storage in the Upper San Joaquin Watershed.

Miscellaneous Project Programs: \$12,500,000 for the Environmental Water Account; \$200,000 for water use efficiency pilot studies; and \$200,000 to conduct a NEPA analysis and operate the clearinghouse for the water transfer program.

Sacramento River Division: \$750,000 to continue planning activities related to Sites Reservoir.

San Felipe Division: \$100,000 to provide technical assistance to the Santa Clara Valley Water District in conducting operational appraisal studies.

Shasta Division: \$1,900,000 to continue evaluating the potential impacts of the proposed Shasta Dam raise.

POLICY AND ADMINISTRATION

The conference agreement appropriates \$52,968,000 for Policy and Administration as proposed by the House and the Senate.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

Section 201. The conference agreement includes language authorizing the Bureau of Reclamation to continue its program of providing grants to institutions of higher learning to support the training of Native Americans to manage natural resources.

Section 202. The conference agreement includes language amending the authorization

for the San Gabriel Basin Restoration project.

Section 203. The conference agreement includes language proposed by the Senate regarding refunds of fees assessed for failure to file certain certification or reporting forms under the Reclamation Reform Act.

Section 204. The conference agreement includes language proposed by the Senate regarding the Lower Colorado River Basin Development Fund.

Section 205. The conference agreement includes language proposed by the House under Title V, General Provisions regarding the San Luis Unit and the Kesterson Reservoir

in California. The Senate had proposed similar language under General Provisions, Department of the Interior.

Section 206. The conference agreement includes language proposed by the Senate regarding the valve rehabilitation project at the Arrowrock Dam on the Arrowrock Division of the Boise project in Idaho.

Section 207. The conference agreement includes language proposed by the Senate establishing requirements for the purchase or lease of water from the Middle Rio Grande or Carlsbad projects in New Mexico.

Section 208. The conference agreement includes language proposed by the House re-

garding the issuance of permits for commercial rafting within the Auburn State Recreation Area, California.

Section 209. The conference agreement amends House language regarding the make-up of water shortages caused by the operation of Folsom Dam and Reservoir in California for flood control.

Provisions not included in the conference agreement.—The conference agreement does not include language proposed by the Senate regarding the use of funds provided for Drought Emergency Assistance.

BUREAU OF RECLAMATION

PROJECT TITLE

BUDGET REQUEST RESOURCES MANAGEMENT FACILITIES OM&R
 CONFERENCE RESOURCES MANAGEMENT FACILITIES OM&R

WATER AND RELATED RESOURCES

ARIZONA

AK CHIN WATER RIGHTS SETTLEMENT ACT PROJECT.....	---	6,282	---	6,282	---	6,282
CENTRAL ARIZONA PROJECT, COLORADO RIVER BASIN.....	31,392	50	---	31,392	---	31,392
COLORADO RIVER BASIN SALINITY CONTROL PROJECT, TITLE I	725	9,355	---	725	---	725
COLORADO RIVER FRONT WORK AND LEVEE SYSTEM.....	3,103	---	---	3,603	---	3,603
HOPI/WESTERN NAVAJO WATER DEVELOPMENT PLAN.....	---	---	---	1,000	---	1,000
NORTHERN ARIZONA INVESTIGATIONS PROGRAM.....	575	---	---	575	---	575
PHOENIX METROPOLITAN WATER REUSE PROJECT.....	250	---	---	250	---	250
SOUTHERN ARIZONA WATER RIGHTS SETTLEMENT ACT PROJECT..	4,055	---	---	4,055	---	4,055
SOUTH/CENTRAL ARIZONA INVESTIGATIONS PROGRAM.....	685	---	---	685	---	685
TRES RIOS WETLANDS DEMONSTRATION.....	200	---	---	200	---	200
TUCSON AREA WATER RECLAMATION AND REUSE STUDY.....	100	---	---	100	---	100
YUMA AREA PROJECTS.....	1,658	18,037	---	1,658	---	1,658

CALIFORNIA

CACHUMA PROJECT.....	640	426	---	640	---	640
CALIFORNIA INVESTIGATIONS PROGRAM.....	1,000	---	---	1,000	---	1,000
CALLEGUAS MUNICIPAL WATER DISTRICT RECYCLING PLANT....	1,800	---	---	1,800	---	1,800
CENTRAL VALLEY PROJECT:						
AMERICAN RIVER DIVISION.....	2,387	10,996	---	2,387	---	2,387
AUBURN-FOLSOM SOUTH UNIT.....	1,947	---	---	1,947	---	1,947
DELTA DIVISION.....	12,182	5,053	---	12,182	---	12,182
EAST SIDE DIVISION.....	604	3,630	---	604	---	604
FRIANT DIVISION.....	2,103	2,923	---	2,103	---	2,103
MISCELLANEOUS PROJECT PROGRAMS.....	12,637	879	---	12,637	---	12,637
REPLACEMENTS, ADDITIONS, AND EXTRAORDINARY MAINT....	---	11,000	---	---	---	---

SACRAMENTO RIVER DIVISION.....	4,071	1,682	7,121	1,682
SAN FELIPE DIVISION.....	447	---	547	---
SAN JOAQUIN DIVISION.....	1,280	---	1,280	---
SHASTA DIVISION.....	2,456	7,025	4,356	7,025
TRINITY RIVER DIVISION.....	7,751	5,380	7,751	5,380
WATER AND POWER OPERATIONS.....	900	7,322	900	7,322
WEST SAN JOAQUIN DIVISION, SAN LUIS UNIT.....	4,735	6,417	4,735	6,417
YIELD FEASIBILITY INVESTIGATION.....	1,500	---	1,500	---
LAKE TAHOE REGIONAL WETLANDS DEVELOPMENT.....	200	---	2,500	---
LONG BEACH AREA WATER RECLAMATION AND REUSE PROJECT.....	1,800	---	1,800	---
LONG BEACH DESALINATION PROJECT.....	---	---	740	---
LOS ANGELES AREA WATER RECLAMATION AND REUSE PROJECT.....	---	---	400	---
MISSION BASIN BRACKISH GROUNDWATER DESALTING DEMO.....	1,800	---	2,500	---
NORTH SAN DIEGO COUNTY AREA WATER RECYCLING PROJECT.....	---	---	500	---
NORTH SONOMA COUNTY WATER REUSE STUDY.....	1,800	---	2,500	---
GROUNDWATER REPLENISHMENT SYSTEM.....	---	410	---	410
ORLAND PROJECT.....	800	---	4,500	---
SALTON SEA RESEARCH PROJECT.....	---	---	4,000	---
SACRAMENTO RIVER DIVERSION STUDY.....	---	---	6,000	---
SAN DIEGO AREA WATER RECYCLING PROGRAM.....	6,000	---	---	---
SAN GABRIEL BASIN PROJECT.....	1,800	---	1,800	---
SAN GABRIEL BASIN RESTORATION.....	---	---	12,000	---
SAN JOSE WATER RECLAMATION AND REUSE PROGRAM.....	2,500	---	4,000	---
SOLANO PROJECT.....	1,210	1,149	1,210	1,149
SOUTHERN CALIFORNIA INVESTIGATIONS PROGRAM.....	875	---	875	---
COLORADO				
ANIMAS-LA PLATA PROJECT, CRSP SECTION 5 & 8.....	12,000	---	16,000	---
COLLBRAN PROJECT.....	127	1,202	127	1,202
COLORADO-BIG THOMPSON PROJECT.....	49	7,913	49	7,913
COLORADO-BIG THOMPSON PROJECT - HORSETOOTH DAM.....	---	26,000	---	26,000
FRUITGROWERS DAM PROJECT.....	74	17	74	17
FRYINGPAN-ARKANSAS PROJECT.....	9	4,472	9	4,472
GRAND VALLEY UNIT, CRBSCP, TITLE I.....	427	573	427	573
LEADVILLE/ARKANSAS RIVER RECOVERY PROJECT.....	421	1,787	421	1,787
LOWER GUNNISON BASIN UNIT, CRBSCP, TITLE II.....	---	332	---	332
MANCOS PROJECT.....	49	23	49	23

BUREAU OF RECLAMATION		BUDGET REQUEST		CONFERENCE	
PROJECT TITLE	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R	FACILITIES OM&R

PARADOX VALLEY UNIT, CRBSCP, TITLE II.....	---	2,119	---	---	2,119
PINE RIVER PROJECT.....	88	62	88	62	62
SAN LUIS VALLEY PROJECT.....	326	4,021	326	4,021	4,021
UNCOMPAGRE PROJECT.....	368	27	368	27	27

HAWAII					
HAWAII WATER RESOURCES STUDY, HI.....	---	---	300	---	---

IDAHO					
BOISE AREA PROJECTS.....	1,526	6,071	1,526	6,071	6,071
COLUMBIA AND SNAKE RIVER SALMON RECOVERY PROJECT.....	11,000	---	11,000	---	---
DRAIN WATER MANAGEMENT STUDY, BOISE PROJECT.....	165	---	165	---	---
IDAHO INVESTIGATIONS PROGRAM.....	509	---	509	---	---
MINIDOKA AREA PROJECTS.....	1,968	3,272	1,968	3,272	3,272
MINIDOKA NORTHSIDE DRAIN WATER MANAGEMENT PROGRAM.....	262	---	262	---	---

KANSAS					
KANSAS INVESTIGATIONS PROGRAM.....	594	---	594	---	---
WICHITA PROJECT.....	---	269	---	269	269

MONTANA					
FORT PECK DRY PRAIRIE RURAL WATER SYSTEM.....	---	---	4,000	---	---
HUNGRY HORSE PROJECT.....	---	294	---	294	294
MILK RIVER PROJECT.....	440	541	440	541	541
MONTANA INVESTIGATIONS.....	321	---	321	---	---
ROCKY BOYS INDIAN WATER RIGHTS SETTLEMENT.....	8,000	---	8,000	---	---
ROCKY BOYS/NORTH CENTRAL REGIONAL STUDY.....	---	---	350	---	---

NEBRASKA

MIRAGE FLATS PROJECT..... 23 32 32 32

NEVADA

HALFWAY WASH, NV..... 120 ---
 LAHONTAN BASIN PROJECT..... 6,347 2,089 2,089 ---
 LAKE MEAD/LAS VEGAS WASH PROGRAM..... 1,400 ---
 NEWLANDS PROJECT WATER RIGHTS FUND..... 2,000 ---
 SOUTHERN NEVADA WATER RECYCLING PROJECT..... 1,500 ---
 STEAMBOAT CREEK RENO, NV..... 100 ---
 WALKER RIVER BASIN PROJECT..... 200 ---

NEW MEXICO

ALBUQUERQUE METRO AREA WATER RECLAMATION AND REUSE..... 7,000 ---
 CARLSBAD PROJECT..... 1,689 742 742 ---
 EASTERN NEW MEXICO WATER SUPPLY..... 250 ---
 MIDDLE RIO GRANDE PROJECT..... 13,884 8,967 8,967 ---
 NAVAJO GALLUP WATER SUPPLY..... 500 ---
 PECOS RIVER BASIN WATER SALVAGE PROJECT..... 50 ---
 RIO GRANDE PROJECT..... 1,001 2,591 2,591 ---
 RIO JEMEZ (ABOUSELMAN) FEASIBILITY STUDY..... 1,200 ---
 SAN JUAN RIVER BASIN INVESTIGATIONS PROGRAM..... 214 ---
 SANTA FE - POJOAQUE REGIONAL WATER SYSTEM..... 1,500 ---
 SOUTHERN NEW MEXICO/WEST TEXAS INVESTIGATIONS PROGRAM..... 200 ---
 TUCUMCARI PROJECT..... 26 ---
 UPPER RIO GRANDE BASIN INVESTIGATIONS PROGRAM..... 217 ---

NORTH DAKOTA

DAKOTAS INVESTIGATIONS PROGRAM..... 354 354 ---
 DAKOTAS TRIBES INVESTIGATIONS PROGRAM..... 250 250 ---
 GARRISON DIVERSION UNIT..... 21,011 4,228 4,228 ---

BUREAU OF RECLAMATION

PROJECT TITLE
 BUDGET REQUEST
 RESOURCES MANAGEMENT
 FACILITIES OM&R
 CONFERENCE
 RESOURCES MANAGEMENT
 FACILITIES OM&R

OKLAHOMA

ARBuckle PROJECT.....	---	186	---	---	186
MCgee CREEK PROJECT.....	---	569	---	---	569
MOUNTAIN PARK PROJECT.....	---	276	---	---	276
NORMAN PROJECT.....	---	183	---	---	183
OKLAHOMA INVESTIGATIONS PROGRAM.....	263	---	263	---	---
WASHITA BASIN PROJECT.....	---	731	---	---	731
W.C. AUSTIN PROJECT.....	---	280	---	---	280

OREGON

BEND FEED CANAL PIPELINE PROJECT.....	---	---	---	300	---
CROOKED RIVER PROJECT.....	278	418	278	278	418
DESCHUTES ECOSYSTEM RESTORATION PROJECT.....	500	---	750	---	---
DESCHUTES PROJECT.....	360	138	360	360	138
DESCHUTES PROJECT-WICKUP DAM.....	---	12,000	---	---	12,000
EASTERN OREGON PROJECTS.....	340	267	340	340	267
GRANDE RONDE WATER OPTIMIZATION STUDY.....	150	---	150	150	---
GRANTS PASS PROJECT.....	---	---	---	500	---
KLAMATH PROJECT.....	12,277	483	15,000	15,000	483
OREGON INVESTIGATIONS PROGRAM.....	457	---	457	457	---
ROGUE RIVER BASIN PROJECT, TALENT DIVISION.....	317	162	317	317	162
TUALATIN PROJECT.....	149	107	149	149	107
TUALATIN VALLEY WATER SUPPLY FEASIBILITY STUDY.....	100	---	100	100	---
UMATILLA BASIN PROJECT, PHASE III STUDY.....	50	---	50	50	---
UMATILLA PROJECT.....	409	2,227	409	409	2,227

SOUTH DAKOTA

CROW CREEK TRIBE RESERVATION WIDE M & I WATER SUPPLY..	---	---	---	100	---
--	-----	-----	-----	-----	-----

LEWIS AND CLARK RURAL WATER SYSTEM.....	---	2,000	---	---
MID-DAKOTA RURAL WATER PROJECT.....	10,000	40	40	40
MNI WICONI PROJECT.....	20,511	7,489	7,489	7,489
PERKINS COUNTY RURAL WATER DISTRICT.....	---	---	---	---
RAPID VALLEY PROJECT, DEERFIELD DAM.....	---	30	30	30

TEXAS

BALMORHEA PROJECT.....	30	---	---	---
CANADIAN RIVER PROJECT.....	---	104	104	104
EL PASO WATER RECLAMATION AND REUSE.....	---	1,000	---	---
NAVAJO GALLUP WATER SUPPLY PROJECT.....	300	---	---	---
NUECES RIVER.....	---	421	421	421
PALMETTO BEND PROJECT.....	---	688	688	688
SAN ANGELO PROJECT.....	---	335	335	335
TEXAS INVESTIGATIONS PROGRAM.....	197	---	---	---

UTAH

HYRUM PROJECT.....	310	8	8	8
MOON LAKE PROJECT.....	39	6	6	6
NAVAJO SANDSTONE AQUIFER RECHARGE STUDY.....	250	---	---	---
NEWTON PROJECT.....	46	7	7	7
NORTHERN UTAH INVESTIGATIONS PROGRAM.....	305	---	---	---
OGDEN RIVER PROJECT.....	111	51	51	51
PROVO RIVER PROJECT.....	465	363	363	363
SCOFIELD PROJECT.....	56	25	25	25
SOUTHERN UTAH INVESTIGATIONS PROGRAM.....	300	---	---	---
STRAWBERRY VALLEY PROJECT.....	82	7	7	7
WEBER BASIN PROJECT.....	1,704	290	290	290
WEBER RIVER PROJECT.....	356	32	32	32
WEST JORDAN WATER RECLAMATION & REUSE.....	---	---	---	---

WASHINGTON

COLUMBIA BASIN PROJECT.....	4,044	9,119	4,044	9,119
WASHINGTON INVESTIGATIONS PROGRAM.....	425	---	425	---

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
YAKIMA PROJECT.....	516	6,753	516	6,753
YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT.....	10,600	---	11,100	---
WYOMING				
KENDRICK PROJECT.....	8	4,654	8	4,654
NORTH PLATTE PROJECT.....	40	1,412	40	1,412
SHOSHONE PROJECT.....	54	925	54	925
WYOMING INVESTIGATIONS PROGRAM.....	55	---	55	---
VARIOUS				
COLORADO RIVER BASIN SALINITY CONTROL, TITLE II: PROGRAM & COLORADO RIVER WATER QUALITY IMPROVEMENT	10,929	---	10,929	---
COLORADO RIVER STORAGE PROJECT, SECTION 5.....	5,349	1,821	5,349	1,821
COLORADO RIVER STORAGE PROJECT, SECTION 8, R&FWL.....	4,677	61	4,677	61
COLORADO RIVER WATER QUALITY IMPROVEMENT PROGRAM.....	150	---	150	---
DAM SAFETY PROGRAM:				
DEPARTMENT DAM SAFETY PROGRAM.....	---	1,700	---	1,700
INITIATE SOD CORRECTIVE ACTION.....	---	16,400	---	16,400
SAFETY EVALUATION OF EXISTING DAMS.....	---	17,900	---	17,900
SAFETY OF DAMS CORRECTIVE ACTION STUDIES.....	---	624	---	624
DEPARTMENTAL IRRIGATION DRAINAGE PROGRAM.....	2,620	---	2,000	---
DROUGHT EMERGENCY ASSISTANCE.....	582	---	2,582	---
EFFICIENCY INCENTIVES PROGRAM.....	3,738	---	3,000	---
EMERGENCY PLANNING & DISASTER RESPONSE PROGRAM.....	---	330	---	330
ENDANGERED SPECIES RECOVERY IMPLEMENTATION.....	13,522	---	13,522	---
ENVIRONMENTAL PROGRAM ADMINISTRATION.....	1,882	---	1,500	---
ENVIRONMENTAL & INTERAGENCY COORDINATION ACTIVITIES.....	1,661	---	1,200	---
EXAMINATION OF EXISTING STRUCTURES.....	32	---	32	---
FEDERAL BUILDING SEISMIC SAFETY PROGRAM.....	---	5,110	---	5,110
	---	950	---	950

GENERAL PLANNING STUDIES.....	1,861	---	1,700	---
LAND RESOURCES MANAGEMENT PROGRAM.....	7,690	---	6,500	---
LEWIS AND CLARK RURAL WATER SYSTEM.....	2,000	---	---	---
LOWER COLORADO RIVER OPERATIONS PROGRAM.....	13,103	---	13,103	---
MISCELLANEOUS FLOOD CONTROL OPERATIONS.....	---	509	---	509
NATIONAL FISH & WILDLIFE FOUNDATION.....	1,000	---	1,000	---
NATIVE AMERICAN AFFAIRS PROGRAM.....	8,400	---	8,400	---
NEGOTIATION & ADMINISTRATION OF WATER MARKETING.....	1,709	---	1,300	---
OPERATION & MAINTENANCE PROGRAM MANAGEMENT.....	180	950	180	950
PICK-SLOAN MISSOURI BASIN - OTHER PROJECTS.....	3,183	29,747	3,183	29,747
POWER PROGRAM SERVICES.....	590	345	590	345
PUBLIC ACCESS AND SAFETY PROGRAM.....	463	---	463	---
RECLAMATION LAW ADMINISTRATION.....	5,130	---	4,800	---
RECLAMATION RECREATION MANAGEMENT - TITLE XXVIII.....	1,922	---	1,922	---
RECREATION & FISH & WILDLIFE PROGRAM ADMINISTRATION..	2,694	---	2,300	---
SCIENCE AND TECHNOLOGY:				
ADVANCED WATER TREATMENT DESALINATION PROGRAM.....	1,150	---	1,150	---
APPLIED SCIENCE/TECHNOLOGY AND DEVELOPMENT.....	3,290	---	3,290	---
DESALINATION RESEARCH AND DEVELOPMENT PROGRAM.....	300	---	4,000	---
HYDROELECTRIC INFRASTRUCTURE PROTECTION/ENHANCEMEN	660	---	660	---
TECHNOLOGY ADVANCEMENT.....	300	---	300	---
WATERSHED/RIVER SYSTEMS MANAGEMENT PROGRAM.....	940	---	940	---
SITE SECURITY.....	---	1,755	---	1,755
SOIL AND MOISTURE CONSERVATION.....	314	---	314	---
TECHNICAL ASSISTANCE TO STATES.....	1,894	---	1,500	---
TITLE XVI, WATER RECLAMATION AND REUSE PROGRAM.....	1,650	---	1,650	---
UNITED STATES/MEXICO BORDER ISSUES - TECHNICAL SUPPORT	70	---	70	---
WATER MANAGEMENT & CONSERVATION PROGRAM.....	7,507	---	7,507	---
WETLANDS DEVELOPMENT.....	3,836	---	3,836	---
UNDISTRIBUTED REDUCTION BASED ON ANTICIPATED DELAYS...	-33,840	---	-47,763	---
TOTAL, WATER AND RELATED RESOURCES.....	343,299	304,698	456,708	305,823

BUREAU OF RECLAMATION

PROJECT TITLE
 BUDGET REQUEST
 RESOURCES MANAGEMENT
 FACILITIES OM&R
 CONFERENCE FACILITIES
 RESOURCES MANAGEMENT
 OM&R

LOAN PROGRAM

CALIFORNIA

CASTROVILLE IRRIGATION WATER SUPPLY PROJECT.....	1,239	---	1,239	---
SALINAS VALLEY WATER RECLAMATION.....	401	---	401	---
SAN SEVAINNE CREEK WATER PROJECT.....	5,575	---	5,575	---

VARIOUS

LOAN ADMINISTRATION.....	280	---	280	---
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TOTAL, LOAN PROGRAM.....	7,495	---	7,495	---
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TITLE III

DEPARTMENT OF ENERGY

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Department of Energy. Additional items of conference agreement are discussed below.

PROJECT MANAGEMENT

The conferees strongly support efforts of the Office of Engineering and Construction Management (OECM) to improve the Department's construction and project management. The Department has announced plans to merge the Office of the Chief Financial Officer (the current location of OECM) with the Office of Management and Administration to form a new Office of Management, Budget and Evaluation. The Committees on Appropriations have been assured that this change will broaden the duties, scope, responsibilities, and authorities of OECM. The conferees understand that the Department intends to enable OECM to more effectively bring needed culture changes to its project management community.

Congress supported creation of OECM as a final attempt to correct the Department's weaknesses in project management. The conferees expect OECM to be fully funded to support enhanced systems development and deployment, training, process improvements, and accountability. The conferees acknowledge that the expanded mission of this office encompasses project closure, facilities, and infrastructure management activities and urge the Secretary to give priority to retaining within the Department the technical skills needed for federal project and real property management. The conferees recommend that, at each site, the Secretary designate a management office to coordinate project and real property management improvements with this headquarters office.

The conferees also expect the National Research Council to continue to monitor the Department's efforts in project management.

FACILITIES AND INFRASTRUCTURE

The conferees have provided funding in several programs for facilities and infrastructure improvement projects to allow the Department to begin to correct its worst deferred maintenance deficiencies and eliminate excess facilities. The conferees make this initial investment in critical infrastructure so the Department can begin to institute life-cycle asset management improvement processes throughout its complex and expect that at least 25 percent of the funds provided will be spent to eliminate excess facilities.

The conferees direct each site (not slated for closure) to prepare a ten-year site plan prescribing space utilization activities that stabilize, then reduce its baseline for maintenance costs by: (1) consolidating operations where practicable; (2) eliminating excess buildings; (3) employing cost efficiencies; and (4) addressing mission-critical requirements through an appropriate mix of renovations and new construction.

Beginning in fiscal year 2003, to ensure sustained improvement in project and real property management, the conferees direct the Department to present an integrated facilities and infrastructure budget request. This budget should identify program maintenance projects for buildings and facilities by site. To the extent that indirect funding supports maintenance, the budget should also report, by site, expenditures in the previous year and estimate the percentage to be applied in fiscal year 2003. The conferees expect the Department to retain up-to-date corporate-level management information on the condition of its buildings and facilities and annual

expenditures on maintenance for its complex.

For new construction projects requested in fiscal year 2003, the conferees expect the budget to show the square footage of each new project, and request funding for elimination by transfer, sale, or demolition of excess buildings and facilities of equivalent size. This excess reduction to new construction formula does not apply to environmental management closure sites. The conferees expect the fiscal year 2003 budget to contain funds to eliminate excess facilities based on the greatest impact on long-term costs and risks. The Department should apply this requirement to each site. Only if deemed impracticable due to critical mission requirements, through a case-by-case waiver approved by the Secretary through the Chief Financial Officer, should the requirement be met through the reduction of excess facilities at another site. The Department will collect information from all sites on the square footage of excess property sold, transferred, or demolished each year and submit a report 45 days after the President's budget is presented to Congress.

The conferees expect the Chief Financial Officer to issue such directives as are necessary to ensure that: each site prepares a ten-year site plan; annual property reports reflect accurately the Department's entire real property inventory, including the current status of maintenance and disposition of excess property at each site; program budgets request funding for elimination of excess facilities by square footage proportional to new facilities requested; and project and real property offices in the field adhere to corporate guidelines for managing new projects, closeouts, and maintenance of all facilities.

DEPARTMENT OF ENERGY STAFFING

The conferees share the concerns raised by the House that the new National Nuclear Security Administration (NNSA) structure may have had the unintended consequence of unnecessarily increasing the Department's overall personnel costs, particularly at the headquarters, from a Department-wide perspective. The conferees further agree that the Secretary of Energy should submit a report to the Appropriations and Armed Services Committees of Congress concerning staffing increases arising from the creation of NNSA, as the House intended, as well as the "before and after" staffing levels of each office and activity affected by the reorganization. However, the report should also address the broader administrative support staffing concerns below and potential staffing reductions to NNSA or other DOE offices if administrative support functions could be staffed more efficiently. The Secretary shall submit the report by January 31, 2002.

With the new NNSA organization now in place, this affords a good opportunity for the Secretary of Energy and the Congress to take a fresh look at the management, effectiveness, and cost-effectiveness of the Department of Energy's administrative support functions at both the headquarters and field levels. Support functions include personnel, finance, contracting, facilities management, vehicle management, logistics, information management, public affairs, and congressional affairs.

The conferees note that other organizations in the Department of Energy, such as the Inspector General and Naval Reactors, independently perform some of their own administrative support functions such as congressional affairs. The Inspector General of the Department of Energy has interpreted its charter under the Inspector Generals Act, particularly in regards to its perceived need to conduct its own congressional affairs, dif-

ferently than any of the military services which, for example, use "corporate" congressional affairs offices to interface between the Congress and all sub-elements of headquarters organizations including agency inspector generals.

Fragmentation of administrative support functions may also dilute the ability of the Secretary of Energy to manage the Department to meet Departmental strategic goals such as improved financial and contract management. To the extent that the Department invests in unnecessary administrative support costs in a fixed or limited growth budget environment, resources are diverted from higher-priority mission areas.

In submitting the plan on the staffing effects of the NNSA legislation and subsequent implementation, the conferees encourage the Secretary to focus on ensuring that the Department of Energy has the optimal administrative support structure to maximize mission effectiveness and minimize administrative support costs. As stated in the House report, the conferees encourage the Secretary to submit legislative proposals where appropriate to meet this objective.

ALTERNATIVE FINANCING APPROACHES

The Secretary of Energy is directed to conduct a study of alternative financing approaches, to include third-party-type methods, for infrastructure and facility construction projects across the Department. This study is due to the House and Senate Committees on Appropriations by March 30, 2002.

EXTERNAL REGULATION

The Department is directed to prepare an implementation plan for the transition to external regulation at the Department's non-defense science laboratories. For the purpose of preparing this plan, the Department should assume that the Nuclear Regulatory Commission (NRC) would take over regulatory responsibility for nuclear safety at the Department's non-defense science laboratories, and the Occupational Safety and Health Administration (OSHA) would take over regulatory responsibility for worker safety at these laboratories. The conferees expect the Department to coordinate with NRC and OSHA, and to build upon the previous external regulation pilot programs, in developing this plan. For planning purposes, external regulation would apply to the five multiprogram and five single-purpose laboratories under the Office of Science, and the Department should assume external regulation to become effective beginning in fiscal year 2004. The implementation plan for external regulation is not to address nuclear weapons facilities, environmental remediation sites, or other Department laboratories, facilities, and sites. The implementation plan should address all details necessary to implement external regulation, including an estimate of the additional resources needed by the NRC and OSHA, corresponding reductions in funding and staffing at the Department, specific facilities or classes of facilities for which external regulation cannot be implemented in a timely manner, necessary changes to existing management and operating contracts, and changes in statutory language necessary to effect the transition to external regulation. This plan is due to the House and Senate Committees on Appropriations by May 31, 2002. Note that this provision only requires the Department to produce an implementation plan for external regulation for a limited set of DOE facilities; the actual transition to external regulation for those facilities will require additional legislative direction.

REPROGRAMMINGS

The conference agreement does not provide the Department of Energy with any internal

reprogramming flexibility in fiscal year 2002 unless specifically identified by the House, Senate, or conference agreement. Any reallocation of new or prior year budget authority or prior year deobligations must be submitted to the House and Senate Committees on Appropriations in advance, in writing, and may not be implemented prior to approval by the Committees.

LABORATORY DIRECTED RESEARCH AND DEVELOPMENT

The conference agreement does not include bill language proposed by either the House or the Senate regarding the Laboratory Directed Research and Development (LDRD) program. The conferees recognize the benefits of LDRD and expect LDRD activities to continue at previously authorized levels. However, when accepting funds from another federal agency that will be used for LDRD activities, the Department of Energy shall notify that agency in writing how much will be used for LDRD activities. In addition, the conferees direct the Secretary of Energy to include in the annual report to Congress on all LDRD activities an affirmation that all LDRD activities derived from funds of other agencies have been conducted in a manner that supports science and technology development that benefits the programs of the sponsoring agencies and is consistent with the Appropriations Acts that provided funds to those agencies.

ADDITIONAL DEPARTMENT OF ENERGY REQUIREMENTS

The conferees agree with the House report language and support the reporting requirements for basic research for energy technologies, independent centers, augmenting Federal staff, budget justification requirements, sale of land, and reprogramming guidelines.

REDUCTIONS NECESSARY TO ACCOMMODATE SPECIFIC PROGRAM DIRECTIONS

The Department is directed to provide a report to the House and Senate Committees on Appropriations by January 15, 2002, on the actual application of any general reductions of funding or use of prior year balances contained in the conference agreement. In general, such reductions should not be applied disproportionately against any program, project, or activity. However, the conferees are aware there may be instances where proportional reductions would adversely impact critical programs and other allocations may be necessary.

ENERGY SUPPLY

The conference agreement provides \$666,726,000 for Energy Supply instead of \$639,317,000 as proposed by the House and \$736,139,000 as proposed by the Senate. The conference agreement does not include bill language proposed by the Senate earmarking funds for certain purposes.

RENEWABLE ENERGY RESOURCES

The conference agreement provides \$396,000,000 instead of \$376,817,000 as proposed by the House and \$435,600,000 as proposed by the Senate for renewable energy resources. The conference agreement does not include language specifying funding allocations as contained in the separate House and Senate reports.

Biomass/biofuels.—The conference agreement includes \$93,000,000 for biomass/biofuels. The conferees have combined the subprograms for power systems and transportation into a single program for biomass/biofuels and no longer provide separate allocations for power systems and transportation.

The conference agreement includes \$2,500,000 to support a cost-shared Agricultural Waste Methane Power Generation Fa-

cility in California; \$2,000,000 to support a cost-shared agricultural mixed waste bio-refinery in Alabama using the thermal depolymerization technology; \$1,500,000 to support the Black Belt Bioenergy Demonstration Project in Alabama; \$1,000,000 for microcombustion research at Oak Ridge National Laboratory in collaboration with the technology's inventor; \$2,000,000 for the Bio-renewable Resource Consortium; \$3,000,000 for the Iroquois Bio-Energy Cooperative project in Indiana; \$3,000,000 for the Gridley Rice Straw project in California; and \$1,000,000 for the switchgrass project of the Great Plains Institute for Sustainable Development in Minnesota.

The conference agreement includes \$4,000,000 for the Iowa switchgrass project; \$1,000,000 for the Consortium for Plant Biotechnology Research; \$3,000,000 for the McNeil biomass plant in Burlington, Vermont, and \$750,000 for the methane energy and agriculture development project in Tillamook Bay, Oregon. The conference agreement includes \$1,000,000 for the continuation and expansion of the ongoing demonstration of the oxygenated diesel fuel particulate matter emission reduction project in Clark County, Nevada, the cities of Riverside, Compton, Linwood, and Pasadena, California, and Ventura County, California; \$2,000,000 for the Michigan Biotechnology Initiative; \$3,000,000 for the Prime LLC of South Dakota integrated ethanol complex, including an ethanol unit, waste treatment system, and enclosed cattle feed lot; \$300,000 for the Biomass Energy Resource Center project in Vermont; \$2,000,000 to continue the Sealaska ethanol project (subject to a non-Federal match) at the fiscal year 2001 level; \$3,000,000 for the Biomass Gasification Research Center in Birmingham, Alabama; and \$3,000,000 for the Winona, Mississippi, biomass project, where the current investment in the plant shall count as the required demonstration project cost share. The conferees direct the Department to continue funding for the Energy and Environment Research Center at last year's level. The conferees encourage the Department to continue the integrated approach to bioenergy activities and recommend the use of up to \$18,000,000 within available funds for the Integrated Biomass Research and Development Program. The conferees urge the Department to form strong public-private-university partnerships in this program.

Geothermal.—The conference agreement includes \$29,000,000 for geothermal activities. The conference agreement includes sufficient funding to maintain university research on geothermal technologies at the fiscal year 2001 funding level of \$2,600,000. The conference agreement also includes \$2,000,000 in final funding for the Lake County Basin geothermal project in Lake County, California; \$2,000,000 for the Santa Rosa geysers project in California; \$2,500,000 for Geopowering the West; and \$1,000,000 for the UNR Geothermal Energy Center demonstration project.

Hydrogen.—The conference agreement includes \$31,000,000 for hydrogen activities. The conference agreement includes \$1,000,000 for the Fuel Cell Technology Assessment and Demonstration at the University of Alabama at Birmingham; \$350,000 for the Big Sky Economic Development Authority demonstration fuel cell technologies; \$500,000 for the gasification of Iowa switchgrass and its use in fuel cells; \$1,500,000 for the ITM Syngas project; \$1,500,000 for the fuel cell installation project at Gallatin County, Montana; and \$1,000,000 for continued demonstration of the hydrogen locomotive and front-end loader projects.

Hydropower.—The conference agreement includes \$5,300,000 for hydropower. The conference agreement includes \$400,000 to plan a

hydroelectric power generation facility at Gustavus, Alaska, subject to a local match for construction; and \$1,900,000 for the completion of the Power Creek hydroelectric project in Alaska. No additional funds will be made available for this project.

Solar Energy.—The conference agreement includes \$95,000,000 for solar energy programs. The conferees have combined the concentrating solar power, photovoltaic energy systems, and solar building technology subprograms into a single program for solar energy. The conferees urge the Department to fund these subprograms in roughly the same proportions as they were funded in fiscal year 2001.

The conference agreement includes \$8,700,000 for basic research/university programs on photovoltaics; \$18,500,000 to continue the thin film partnership program; \$3,000,000 for continuation of the Million Solar Roofs program; \$2,000,000 for the Southeast and Southwest photovoltaic experiment stations; and \$3,000,000 for the Navajo electrification project. The Department is directed to continue with deployment of the 1.0 MW dish engine and to continue activities associated with the 25kW dish system. Additionally, the conferees direct the Department to develop and scope out an initiative to fulfill the goal of having 1,000 MW of new parabolic trough, power tower, and dish engine solar capacity supplying the southwestern United States by the year 2006. A report on this initiative is due to the House and Senate Committees on Appropriations by March 1, 2002.

The conference agreement includes \$4,000,000 for technical analysis, technical assistance, and the harmonization of multi-program activities that address the resource opportunities and electric power needs of the southwestern United States. The expertise of the National Renewable Energy Laboratory (NREL) is to be made available through a site office in Nevada. NREL will provide expertise through a virtual laboratory concept, serving as a portal for electronic communications, information sharing, data warehousing, and partnerships among universities, researchers, technology developers, and those interested in deployment.

Wind.—The conference agreement includes \$41,000,000 for wind programs. The conferees have provided \$500,000 for the remote location pilot project at the Toledo Harbor Lighthouse; \$1,000,000 for the Washington Electric Cooperative wind energy generating facility in Vermont; \$500,000 for the Turtle Mountain Community College project in North Dakota; \$1,000,000 for the Kotzebue project in Alaska; \$250,000 for a wind generation facility to serve St. Paul and Unalaska, Alaska; and \$500,000 for the small wind program being developed by the Vermont Department of Public Service. The Wind Powering America initiative is to be continued at last year's funding level.

Electric energy systems and storage.—The conference agreement includes \$63,000,000 for electric energy systems and storage. The conferees have combined the subprograms for high temperature superconducting research and development, energy storage systems, and transmission reliability into a single program for electric energy systems and storage.

The conference agreement includes \$4,000,000 to initiate field testing of aluminum ceramic fiber composite conductors; \$1,000,000 for the fuel cell powered home using the Smart Energy Management Control System in Alabama; \$2,000,000 for the UADispatch Outage Management System in Alabama; \$3,000,000 for distributed generation demonstration projects in Indiana, focusing on the problems of interconnection, grid impact, and remote dispatch; \$1,000,000

to initiate development of a bipolar nickel metal hydride battery storage system; \$2,000,000 for Glenallen power generation upgrades, including extension of electricity to residents of Lake Louise; \$2,000,000 for the Kachemak Bay Power System to extend and upgrade marine power cabling to provide power to the villages of Seldovia, Nanwalek, and Port Graham, Alaska; \$3,000,000 for the Swan Lake-Lake Tye electrical intertie pursuant to the Southeast Alaska intertie authorization enacted into law last year; and \$3,000,000 to complete the Prince of Wales Island electrical intertie. The conferees note that \$20,000,000 has been provided in State and local funds and this Federal amount represents the final installment needed to complete the project. The conference agreement also includes \$3,000,000, within available funds, for NREL for research, development, and demonstration of advanced thermal energy storage technology integrated with renewable thermal energy technology. The conferees provide \$500,000 to support the joint effort between New Mexico Tech and the Natural Energy Laboratory of Hawaii to integrate, demonstrate, and deploy distributed energy systems.

The conference agreement also includes the budget request for the proposed work between industrial consortia and national laboratories to develop high-performance, low-cost, second-generation, high temperature super-conducting wire.

Renewable Support and Implementation.—The conference agreement includes \$14,500,000 for renewable support and implementation programs.

The conference agreement provides \$1,500,000 for departmental energy management.

The conference agreement includes \$3,000,000 for the international renewable energy program. Of this amount, \$1,000,000 is to be provided to International Utility Efficiency Partnerships, Inc., for continuation of joint implementation project development. The conferees expect the Department to work with the Department of Commerce, the U.S. Agency for International Development, and other relevant agencies, to complete, and begin implementation of, a five-year strategic plan to open and expand export markets for U.S. clean energy technologies. The conferees urge the Administration to include adequate funding for this initiative in its Fiscal Year 2003 budget submission.

The conference agreement includes \$4,000,000 for the renewable energy production incentive program.

The conference agreement includes \$3,000,000 for renewable Indian energy resources. The conferees expect these funds to be administered as competitively awarded grants to federally-recognized tribes throughout the United States.

The conference agreement includes \$3,000,000 for renewable program support, of which \$1,500,000 is to support the National Alliance for Clean Energy Incubators.

National Renewable Energy Laboratory.—The conference agreement includes \$5,000,000 for the National Renewable Energy Laboratory (NREL), the same as the budget request.

Program direction.—The conference agreement includes \$19,200,000 for program direction, the same as the budget request.

NUCLEAR ENERGY

The conference agreement provides \$250,456,000 for nuclear energy activities instead of \$224,130,000 as proposed by the House and \$264,069,000 as proposed by the Senate. The conference agreement does not include language specifying funding allocations as contained in the separate House and Senate reports. Within the funds available, the conferees include \$400,000 for the Secretary to

contract with the nation's sole remaining uranium converter for the purpose of performing research and development to improve the environmental and economic performance of U.S. uranium conversion operations.

Advanced radioisotope power systems.—The conference agreement includes \$29,000,000 to maintain the infrastructure necessary to support future national security needs and National Aeronautics and Space Administration missions.

Isotope support.—The conference agreement includes a total program level of \$26,177,000 for the isotope program. This amount is reduced by offsetting collections of \$9,000,000 to be received in fiscal year 2002, resulting in a net appropriation of \$17,177,000. The conference agreement includes \$2,494,000 for the Isotope Production Facility at the Los Alamos National Laboratory.

The conferees encourage the Department to continue to explore the concept of extracting medically valuable isotopes from the excess uranium 233 stored in Building 3019 at the Oak Ridge National Laboratory, Tennessee. Within available funds, the Department is urged to proceed with a Request for Proposals (RFP) for this project after submission to the House and Senate Committees on Appropriations of a budget-quality project plan which presents all costs, including the estimated life-cycle costs for storage and disposal of the excess uranium 233, and is crafted in a manner that would not increase the total costs for decontamination and decommissioning of Building 3019. The Department is reminded to consider the end use of the U233-derived material for clinical trials when preparing the RFP and evaluating proposals for this project, and may require the contractor to be capable of meeting the Good Manufacturing Practice requirements of the Food and Drug Administration with respect to the production of actinium 225.

University reactor fuel assistance and support.—The conference agreement includes \$17,500,000, \$5,526,000 more than the budget request. The conferees direct the Department to use the additional resources to begin implementing the recommendations contained in the April 2001 Final Report of the University Research Reactor Task Force of the Nuclear Energy Research Advisory Committee (NERAC), specifically, to establish geographically distributed regional university research reactor user facilities and geographically distributed training and education reactor facilities. The Department is expected to use a peer-reviewed process in selecting which facilities will receive Department support, and to involve fully the nuclear engineering and nuclear medicine communities in this process. The Department is directed to report to the House and Senate Committees on Appropriations by May 31, 2002, on its plan to implement the NERAC Task Force recommendations. The program should also include substantial financial support from the nuclear industry.

Research and development.—The conference agreement provides \$51,000,000 for nuclear energy research and development activities.

The conference agreement includes \$7,000,000, \$2,500,000 more than the budget request, for nuclear energy plant optimization. The conferees direct the Department to ensure that projects are funded jointly with non-Federal partners and that the total non-Federal contributions are equal to or in excess of total Department contributions to projects funded in this program.

The conferees have provided \$32,000,000 for the Nuclear Energy Research Initiative (NERI).

The conference agreement includes a total of \$12,000,000 for nuclear energy technologies,

an increase of \$7,500,000 over the budget request. The conference agreement includes \$4,000,000 for completion of the Generation IV Technology Roadmap; and \$3,000,000 for advanced reactor development consistent with the longer term recommendations of the Generation IV Technology Roadmap and to continue research begun in the current fiscal year on small, modular nuclear reactors. The conferees encourage the Department to implement the recommendations of the Nuclear Energy Research Advisory Committee's Near-Term Deployment Group to support industry applications to the Nuclear Regulatory Commission (NRC) for Early Site Permits, Combined Operating Licenses, and Design Certifications. The conference agreement provides \$3,000,000 to share with industry the cost of these new NRC licensing processes. The conference agreement also provides \$2,000,000 for fuel testing, code verification and validation, and materials testing at national laboratories in support of license applications for new reactor designs.

Infrastructure.—The conference agreement provides a total of \$82,529,000. The conference agreement provides \$35,357,000 for ANL-West Operations, which includes \$2,000,000 for the advanced test reactor research and development upgrade initiative. The conference agreement also provides \$8,733,000 for Test Reactor Area landlord activities. Funds provided by the Senate to initiate conceptual design for a remote-handled transuranic waste facility at ANL-West have been transferred to the environmental management program.

The conference agreement provides the budget request of \$38,439,000 for the Fast Flux Test Facility (FFTF). No funds may be obligated for any purpose other than deactivation at FFTF until 90 days after receipt of the Secretary's recommendations for alternative actions at FFTF and the approval of those recommended alternative actions by the House and Senate Committee on Appropriations.

Nuclear facilities management.—The conference agreement provides \$30,250,000 as proposed by the House. This amount includes \$4,200,000 for the EBR-II shutdown, \$16,200,000 for the disposition of spent nuclear fuel and legacy materials, and \$9,850,000 for disposition technology activities.

Program direction.—The conference agreement includes \$23,000,000 for program direction, a reduction of \$2,062,000 from the budget request.

ENVIRONMENT, SAFETY AND HEALTH

The conference agreement includes \$30,500,000 for non-defense environment, safety and health activities, which includes \$19,527,000 for program direction. When combined with \$117,688,000 provided for defense environment, safety and health activities, the conference agreement makes a total of \$148,188,000 available for environment, safety and health activities, a reduction of \$1,912,000 from the total budget request for these activities. This funding reduction does not reflect any reduction in the Department's environment, safety, and health responsibilities, nor in the conferees' expectation that the Department will fulfill those responsibilities in a thorough and professional manner. However, the conferees do expect the Department to take steps to reduce its current headquarters staffing levels and reduce its reliance on support contractors to execute its responsibilities. The conference agreement includes \$600,000 to be transferred to the Occupational Safety and Health Administration for worker health and safety at those sites transferred to non-Federal entities and for the Department's non-nuclear facilities not covered under the Atomic Energy Act.

TECHNICAL INFORMATION MANAGEMENT
PROGRAM

The conference agreement provides \$7,770,000, including \$1,400,000 for the Technical Information Management program and \$6,370,000 for program direction.

FUNDING ADJUSTMENTS

The conference agreement includes a general reduction of \$18,000,000.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

The conference agreement provides \$236,372,000 for Non-Defense Environmental Management instead of \$227,872,000 as proposed by the House and \$228,553,000 as proposed by the Senate.

The conference agreement includes \$43,000,000 for site closure and \$64,119,000 for site/project completion activities, the same as the budget request. The conferees encourage the Department to accelerate cleanup along the Columbia River in Hanford's 300 Area.

Post 2006 completion.—The conference agreement includes \$125,753,000 for Post 2006 completion activities, an increase of \$5,700,000 over the budget request. Additional funding of \$3,700,000 is provided to maintain the cleanup activities at the Energy Technology Engineering Center in California. The conference agreement includes \$2,000,000 for stabilization activities at the Atlas uranium mill tailings site in Utah as proposed by the House.

West Valley.—The conference agreement provides a total of \$90,000,000 for the West Valley Demonstration Site in New York. However, the conferees remain concerned about the lack of agreement between the Department and the State of New York regarding the scope of Federal cleanup activities at the site and the respective Federal and State cost shares for those activities. While the recent resumption of negotiations is encouraging, the lack of agreement remains, as the General Accounting Office noted, the most significant impediment to completing cleanup of this site.

The conference agreement provides \$90,000,000 for cleanup activities at the West Valley Demonstration Project in fiscal year 2002. Funding in subsequent fiscal years shall be reduced to the minimum necessary to maintain the project in a safe and stable condition, unless, not later than September 30, 2002, the Secretary provides written notification to the House and Senate Committees on Appropriations that an agreement has been reached with the State of New York defining the final scope of Federal cleanup activities at the West Valley site and the respective Federal and State cost shares for those cleanup activities; submits that proposed agreement to the House and Senate Committees on Appropriations; and provides a written certification that the Federal activities proposed in that agreement will be in full compliance with all relevant Federal statutes, including the West Valley Demonstration Project Act of 1980 and the Nuclear Waste Policy Act of 1982, as amended, and are in the best interest of the Federal government. The Committees do not require the Secretary to submit a fully executed final agreement, but rather a draft agreement sufficiently complete to demonstrate that all principal issues in dispute have been resolved.

Excess facilities.—The conference agreement provides \$3,500,000, an increase of \$2,119,000 over the budget request, for excess facilities to begin actual decontamination and decommissioning of excess facilities owned by the environmental management program.

URANIUM FACILITIES MAINTENANCE AND
REMEDIATION

The conference agreement provides \$418,425,000 for uranium activities instead of

\$393,425,000 as proposed by the House and \$408,725,000 as proposed by the Senate.

Uranium Enrichment Decommissioning and Decommissioning Fund.—The conference agreement includes \$299,641,000 for the uranium enrichment decontamination and decommissioning (D&D) fund. Additional funding of \$27,000,000 is provided for continued cleanup at Paducah, Kentucky, and \$30,000,000 is provided for continued cleanup at the East Tennessee Technology Park in Oak Ridge, Tennessee.

The conference agreement does not include funding recommended in this account by the Senate for uranium conversion activities. This issue is addressed in the Energy Supply appropriation account.

Other Uranium Activities.—The conference agreement provides \$123,784,000 for other uranium activities. The conferees have included the budget request of \$110,784,000 for operating expenses associated with the maintenance of facilities and inventories and pre-existing liabilities and consolidated the funding for these activities into one program.

The conference agreement provides the budget request of \$10,000,000 for Project 02-U-101, Depleted Uranium Hexafluoride Conversion Project, in Paducah, Kentucky, and Portsmouth, Ohio, and transfers this project from the uranium enrichment D&D program to other uranium activities.

The conference agreement also provides \$3,000,000 as proposed by the Senate to continue Project 96-U-201, DUF6 Cylinder Storage Yard, at Paducah, Kentucky.

Funding adjustment.—The conference agreement includes the use of \$5,000,000 of prior year unobligated and uncosted balances.

SCIENCE

The conference agreement provides \$3,233,100,000 instead of \$3,166,395,000 as proposed by the House and \$3,268,816,000 as proposed by the Senate. The conference agreement does not include language specifying funding allocations as contained in the separate House and Senate reports. The conference agreement does not include bill language proposed by the Senate earmarking funds for specific purposes.

High energy physics.—The conference agreement provides \$716,100,000 for high energy physics, the same as the budget request. The conferees encourage strong support for university research and for research on low temperature superconductors to support high energy physics requirements. General Purpose Equipment and General Plant Projects should be funded for Office of Science laboratories at fiscal year 2001 levels. Funds provided by the Senate for a demonstration of the mass of the neutrino at the Waste Isolation Pilot Plant have been transferred to the environmental management program.

Nuclear physics.—The conference agreement provides \$360,510,000 for nuclear physics, the same as the budget request. The conferees urge the Department to use these funds to enhance operation of the Relativistic Heavy Ion Collider (RHIC) at the Brookhaven National Laboratory and the Thomas Jefferson National Accelerator Facility in Virginia.

Biological and environmental research.—The conference agreement includes \$527,405,000 for biological and environmental research. The conferees have included \$11,405,000 to complete the construction of the Laboratory for Comparative Functional Genomics at the Oak Ridge National Laboratory. The conference amount includes a total of \$18,000,000 for the low dose effects program; \$3,500,000 in additional funding for computer upgrades and capital equipment costs at the Environmental Molecular Science Laboratory; and includes funding to continue the free air car-

bon dioxide experiments at the fiscal year 2001 level.

The conference agreement includes \$2,600,000 for the positron emission tomography center at the University of South Alabama; \$4,000,000 for the Gulf Coast Cancer Center and Research Institute; \$2,000,000 for the University of Alabama at Birmingham center for nuclear magnetic resonance imaging; \$1,000,000 for University of South Alabama research, in cooperation with industry and the Cooperative Research Network of the National Rural Electric Cooperative Association, on a fuel cell powered home using the Smart Energy Management Control System; \$1,650,000 for the new library and regional resource learning center at Spring Hill College; \$100,000 for the South Alabama Medical Education Outreach Program; \$2,250,000 for the University of Florida Genetics Institute; \$2,700,000 for a new linear accelerator for the Baystate Medical Center; \$1,200,000 for the Cancer Institute of New Jersey; \$1,000,000 for the Institute for Molecular and Biomedical Science at the University of Arizona; \$1,000,000 for the Stanley Scott Cancer Center at Louisiana State University; \$1,000,000 for the Infotonics Center of Excellence in Rochester, New York; \$500,000 for the Joint Collaboration on Advanced Nanotechnology and Sensors with the University of New Orleans, Louisiana State University, and Louisiana Tech; \$500,000 for the Breast Cancer Program at the North Shore—Long Island Jewish Health System; \$500,000 for a functional magnetic resonance imaging machine at the University of Texas at Dallas and the University of Texas Southwestern Medical Center's Center for Brain, Cognition, and Behavior; \$500,000 for the Integrated Environmental Research and Services program at Alabama A&M University; and \$500,000 for the energy efficiency initiative at the Carolinas Health Care System.

The conference agreement includes \$3,000,000 for the Multidisciplinary Research Facility at the College of Engineering, University of Notre Dame; \$500,000 for a linear accelerator for the Burbank Regional Cancer Center in Fitchburg, Massachusetts; \$500,000 for Hampshire College's National Center for Science Education; \$1,000,000 for the Audubon Biomedical Science and Technology Park at Columbia University; \$1,000,000 for the McFadden Science Center at Texas Wesleyan University; \$1,000,000 for the emergency power supply system at Cedars-Sinai Medical Center; \$1,000,000 for the Rush-Presbyterian-St. Luke's Medical Center; \$1,000,000 for a nanoscience facility at Purdue University; \$1,000,000 for the Julie and Ben Rogers Cancer Institute; \$1,000,000 for the School of Public Health at the University of South Carolina; \$1,000,000 for the continued development of the Life Sciences Building at Brown University; \$1,000,000 for environmental modeling at the University of North Carolina at Chapel Hill; \$1,000,000 to support renovation of the Science, Technology, and Engineering Research Complex at Jackson State University; and \$1,000,000 for the PowerGrid simulator at Drexel University and the New Jersey Institute of Technology.

The conference agreement includes \$7,000,000 for the positron emission tomography facility at West Virginia University; \$2,000,000 for a linear accelerator for the University Medical Center of Southern Nevada; \$250,000 for the research foundation of the University of Nevada-Las Vegas; \$200,000 for the University of Nevada-Las Vegas to continue study of the biological effects of exposure to low-level radioactivity; \$500,000 for a biomolecular nuclear magnetic resonance instrument at the Medical University of South Carolina; \$1,000,000 for the Oncology Center of the Medical University of South Carolina; \$3,000,000 for the National Center of Excellence in Photonics and Microsystems in New

York; \$500,000 for the Institute of Comparative Genomics at the American Museum of Natural History; \$750,000 for the Inland Northwest Natural Resources Research Center at Gonzaga University; \$500,000 for the Hall of Paleontology at the Field Museum; \$500,000 for the Center for Catalysis at Iowa State University; \$1,000,000 for the Human Genome Project at the University of Southern California; \$500,000 for biomedical research at Creighton University; \$500,000 for the Child Health Institute of New Brunswick, New Jersey; \$500,000 for the Oregon Renewable Energy Center; \$1,000,000 for superconductor research at Boston College; \$500,000 for the Natural Energy Laboratory in Hawaii; and \$800,000 for the Rochester Institute of Technology microelectronics technology program.

The conference agreement includes \$11,000,000 for operations and capital investment at the Mental Illness and Neuroscience Discovery Institute; and \$2,000,000 for the University of Missouri-Columbia to expand the federal investment in the university's nuclear medicine and cancer research capital program.

Basic energy sciences.—The conference agreement includes \$1,003,705,000 for basic energy sciences. The conference agreement includes the full amount of the budget request for the Spallation Neutron Source and the SPEAR 3 upgrade at the Stanford Synchrotron Radiation Laboratory. The conferees have included \$3,000,000 to initiate project engineering and design (PED) for three user facilities for nanoscale science research (Project 02-SC-002), and the budget request of \$7,685,000 for the Experimental Program to Stimulate Competitive Research (EPSCoR). For purposes of reprogramming in fiscal year 2002, the Department may reallocate funding among all operating accounts within Basic Energy Sciences.

Advanced scientific computing research.—The conference agreement includes \$158,050,000 for advanced scientific computing research (ASCR). The conferees support the use of available funds for the Scientific Discovery Through Advanced Computing (SciDAC) program and for terascale operating systems development. The conferees urge the Department to maximize the involvement of universities in the ASCR program, so that both the Department and the academic community can share in the latest technology developments in this field.

Energy research analyses.—The conference agreement includes \$1,000,000 for energy research analyses, the same amount provided by the House and the Senate.

Multiprogram energy labs—facility support.—The conference agreement includes \$30,175,000 for multi-program energy labs-facility support, the same as the budget request.

Fusion energy sciences.—The conference agreement includes \$248,495,000, as proposed by both the House and Senate, for fusion energy sciences.

Facilities and infrastructure.—The conference agreement includes \$10,000,000 for a new Facilities and Infrastructure program, as proposed by the House, to address infrastructure needs at the Department's science laboratories.

Safeguards and security.—The conference agreement includes \$55,412,000 for safeguards and security activities at laboratories and facilities managed by the Office of Science.

Program Direction.—The conference agreement includes \$139,960,000 for program direction. This amount includes \$63,000,000 for field offices, \$72,500,000 for headquarters, and \$4,460,000 for science education. The control level for fiscal year 2002 is at the program account level of program direction.

Funding adjustments.—A general reduction of \$12,800,000 has been applied to this ac-

count, as well as the security charge for reimbursable work of \$4,912,000 included in the budget request.

NUCLEAR WASTE DISPOSAL

The conference agreement provides \$95,000,000 for Nuclear Waste Disposal, instead of \$133,000,000 as proposed by the House and \$25,000,000 as proposed by the Senate. When combined with the \$280,000,000 appropriated from the Defense Nuclear Waste Disposal account, a total of \$375,000,000 will be available for program activities in fiscal year 2002. The conference agreement includes not to exceed \$2,500,000 for the State of Nevada and \$6,000,000 for affected units of local government.

The conferees direct the Department to focus all available resources on completing a quality Site Recommendation report, and the accompanying final Environmental Impact Statement (EIS), in a timely manner. The final Site Recommendation and final EIS were due in July 2001, and the conferees expect that these will be delivered to Congress no later than February 28, 2002. The conferees acknowledge that certain scientific and engineering work is directly related to the Site Recommendation and to resolving the technical concerns of the NRC and the Nuclear Waste Technical Review Board, and that such work should not automatically terminate upon submission of the Site Recommendation. However, if the Site Recommendation is negative, the conferees expect the Department to terminate promptly all such activities and take the steps necessary to remediate the site.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$210,853,000 for Departmental Administration expenses instead of \$209,611,000 as proposed by the House and \$208,948,000 as proposed by the Senate. Funding adjustments include a transfer of \$22,000,000 from Other Defense Activities and the use of \$10,000,000 of prior year balances. Revenues of \$137,810,000 are estimated to be received in fiscal year 2002, resulting in a net appropriation of \$73,043,000.

The conference agreement does not include language proposed by the House allowing the Department to transfer funds previously appropriated for Year 2000 (Y2K) activities to this account. The Y2K funds expired on September 30, 2001.

Specific funding levels for each Departmental organization are provided in the accompanying table.

Office of Management, Budget and Evaluation.—The conference agreement provides \$107,000,000 for the Office of Management, Budget and Evaluation. This is a new organization created by merging the Office of Management and Administration with the Office of the Chief Financial Officer (including the Office of Engineering and Construction Management). This reorganization is expected to improve program and project management by bringing together acquisitions, performance appraisals, and funding decisions.

The conferees expect the Department to increase the current staffing levels and fully fund the program activities of the Office of Engineering and Construction Management.

Corporate Management Information Program.—The conferees have provided a total of \$15,000,000 for the Department's Corporate Management Information Program in two accounts: \$5,000,000 in Departmental Administration and \$10,000,000 in Other Defense Activities. The Department had requested a total of \$20,000,000 in the Other Defense Activities account.

Reprogramming guidelines.—The conference agreement provides reprogramming authority of \$1,000,000 or 10 percent, whichever is

less, within the Departmental Administration account without submission of a reprogramming to be approved by the House and Senate Committees on Appropriations. No individual program account may be increased or decreased by more than this amount during the fiscal year using this reprogramming authority. Congressional notification within 30 days of the use of this reprogramming authority is required. Transfers which would result in increases or decreases in excess of \$1,000,000 or 10 percent to an individual program account require prior notification and approval.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides \$32,430,000 for the Inspector General as proposed by the House instead of \$30,000,000 as proposed by the Senate.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

The National Nuclear Security Administration (NNSA), a semi-autonomous agency within the Department of Energy, manages and operates the Nation's nuclear weapons, nuclear nonproliferation, and naval reactors activities.

Nuclear posture review.—The conferees have provided a significant increase above the President's budget request and above the House bill in nuclear weapons activities, to include refurbishment of specific nuclear weapons as well as generic nuclear weapons-related process and infrastructure improvements. The basis for providing these additional funds is informal information provided by the NNSA at the Committees' request, rather than a formal budget request from the Administration. The information largely addresses on-going programs and generic process improvements, and does not identify the need to develop a specific new nuclear weapon in fiscal year 2002. The conferees agree that these investments are vital to ensuring that the NNSA can efficiently support Department of Defense schedules and requirements to maintain the highest levels of performance for our nation's nuclear weapons, while maximizing safety for NNSA employees and contractors performing the stockpile stewardship mission.

The conferees are concerned that NNSA not spend funds early in fiscal year 2002 that turn out to be wasted effort once the Nuclear Posture Review and its implementation by the Administration and the Congress is completed. The conferees are also concerned that the NNSA not spend funds in fiscal year 2002 that presuppose the outcome of the Nuclear Posture Review or thwart the ability of Congress to provide effective and timely oversight. It is the conferees' intent and instruction that the NNSA use the funds in its budget request and the additional funds provided herein for nuclear weapons activities only for generic process and infrastructure improvements and to continue on-going weapon refurbishment activities. NNSA should minimize weapon-unique investments in fiscal year 2002 in those instances where NNSA knows today that there is uncertainty about the long-term viability of the nuclear weapon or its delivery system. The NNSA may not use funds in fiscal year 2002 to initiate new weapons development programs or to initiate new warhead refurbishment programs that have not been formally identified to and approved by the Congress, other than through formal written reprogramming requests to the Armed Services and Appropriations Committees of Congress.

The conferees are concerned in particular about the W-80 warhead refurbishment for air-launched cruise missiles. The Department of Energy has the means to extend the life of the W-80 warhead by tens of years, yet

the Department of Defense has yet to budget any funds to extend the life of its air-launched cruise missiles. Even if the life of the W-80 warhead and cruise missile were extended in an integrated and synchronized manner, the question of the desirability of extending the life of the B-52 aircraft fleet (already 40 years old) for a similar extended timeframe would need to be addressed by both the Administration and Congress. Because of the uncertainty surrounding these issues, the conferees designate funding for W-80 warhead life extension in fiscal year 2002 to be of special interest. Use of fiscal year 2002 funds for the unique costs to develop or implement W-80 warhead refurbishment that involve long-term life extension require advance written notification to and approval by the Armed Services and Appropriations Committees of Congress.

NNSA budget justifications.—The conferees agree that NNSA budget justification material for major nuclear weapon acquisition programs is currently not sufficient to assure adequate Congressional oversight of these very important programs. NNSA, in conjunction with the Department of Defense, is expected to propose significant investment in strategic weapon systems (to include refurbishments and life extensions) during the next 10 years to meet military requirements once the Administration's Nuclear Posture Review is completed. The Congress will have to examine these proposals in detail and will likely be asked to agree to higher levels of annual spending for these initiatives. It is vital that NNSA articulate the investment costs and benefits of such proposals in a clear and consistent manner.

The conferees direct the Administrator to submit Selected Acquisition Reports (SAR) once a year to the Armed Services and Appropriations Committees of Congress, to accompany the fiscal year 2003 and subsequent President's Budgets. The reports should be similar in content and format to those submitted to Congress by the Department of Defense pursuant to section 2432 of Title 10 of United States Code. The NNSA should identify criteria for designating its major defense acquisition programs, as the Defense Department has done, and then report annually on systems which meet them. The NNSA should also identify criteria for when to start SAR reporting for a given weapon system, and when to end it. SAR systems are generally those which require a significant development cost (hundreds of millions of dollars) or significant acquisition cost (billions of dollars). The conferees anticipate that this reporting requirement will not place an undue burden on the NNSA. If a system is to be refurbished in a block-approach, the SAR report must address information on each and all blocks of the program.

The conferees further direct that the Comptroller General review the NNSA's fiscal year 2003 submission of selected acquisition reports within 90 days of their submission to Congress, and assess whether they adequately and thoroughly identify information equivalent to what the Department of Defense provides Congress in its SAR reports. The conferees also direct the NNSA to include detailed information in the budget justification documents for its fiscal year 2003 and subsequent President's budget requests to Congress by weapon system. The budget should clearly show the unique and the fully-loaded cost of each weapon activity, to include refurbishments and conceptual study and/or development of new weapons.

Construction projects.—The conference agreement includes a significant increase in funding for new and ongoing construction projects and a new program for facilities and infrastructure upgrades. While these in-

creases are necessary to maintain the nuclear weapons complex, the conferees are concerned that these increases will tax the existing project management expertise of the NNSA and its contractors. To ensure that construction project funding is properly executed, the conferees direct the NNSA's Office of Project Management Support to review each of these projects and verify that the conceptual design and at least 35 percent of the detailed design are completed before construction funds are obligated. The NNSA is strongly encouraged to use the expertise resident in the Department's Office of Construction and Engineering Management for this purpose.

Nuclear Weapons Council Reporting.—The Armed Services Committees require annual reporting on the activities of the Nuclear Weapons Council, a joint Department of Defense and Energy activity that manages nuclear weapons. This document is a key tool for the Appropriations and Armed Services Committees of Congress to perform effective oversight of our nation's nuclear weapons. The Secretary of Energy submitted the fiscal year 2000 report (dated October 1, 2000) on September 26, 2001. The conferees question the utility of a report (under 20 pages) whose information is about a year old when submitted, and whether the Departments of Energy and Defense take seriously the need to responsibly support Congressional oversight of nuclear weapons on a timely basis. Reports to Congress on a previous fiscal year's activities, to be relevant to the authorization and appropriations process, should be submitted for Committees to use during their hearings in the spring of the following year. Waiting until the end of the fiscal year to submit the information inhibits the hearing process, the authorization process, and the appropriations process as well as depriving Members of Congress charged with an important oversight responsibility from effectively performing their duty due to lack of timely information. The conferees direct the Secretary of Energy to submit future reports by March 1 of each year.

WEAPONS ACTIVITIES

The conference agreement provides \$5,429,238,000 for Weapons Activities instead of \$5,123,888,000 as proposed by the House and \$6,062,891,000 as proposed by the Senate. The Administration's budget request for Weapons Activities was \$5,300,025,000 which included \$271,137,000 for program direction activities. The conference recommendation transfers all program direction funding to the Office of the NNSA Administrator account which has the effect of reducing the fiscal year 2002 budget request for Weapons Activities to \$5,028,888,000. Thus, the conference recommendation is \$400,850,000 over the budget request for nuclear weapons programmatic activities.

Statutory language proposed by the Senate to earmark funds for technology partnerships and community reuse organizations has not been included. The conferees direct the NNSA to fully utilize technology partnerships supportive of its missions, including the support of small business interactions including technology clusters around the laboratories.

Reprogramming.—The conference agreement provides limited reprogramming authority within the Weapons Activities account without submission of a reprogramming to be approved in advance by the House and Senate Committees on Appropriations. The reprogramming thresholds will be as follows: directed stockpile work, science campaigns, engineering campaigns, inertial confinement fusion, advanced simulation and computing, pit manufacturing and certification, readiness campaigns, and operating

expenses for readiness in technical base and facilities. This should provide the needed flexibility to manage these programs.

In addition, funding of not more than \$5,000,000 may be transferred between each of these categories and each construction project subject to the following limitations: only one transfer may be made to or from any program or project; the transfer must be necessary to address a risk to health, safety or the environment or to assure the most efficient use of weapons activities funds at a site; and funds may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

Congressional notification within 30 days of the use of this reprogramming authority is required. Transfers during the fiscal year which would result in increases or decreases in excess of \$5,000,000 or which would be subject to the limitations outlined in the previous paragraph require prior notification and approval from the House and Senate Committees on Appropriations.

Directed stockpile work.—The conference agreement includes \$1,045,814,000 for directed stockpile work instead of \$1,043,791,000 as proposed by the House and \$1,081,337,000 as proposed by the Senate.

Campaigns.—The conference agreement consolidates the individual campaigns into six major groups: science campaigns, engineering campaigns, inertial confinement fusion, advanced simulation and computing, pit manufacturing and certification, and readiness campaigns. Funding for individual campaigns is shown on the accompanying table.

For science campaigns, the conference agreement provides \$269,703,000, an increase of \$8,583,000 over the budget request. From within available funds, an additional \$25,000,000 is provided for advanced radiography to continue research, development and conceptual design for an advanced hydrodynamic test facility, including further development and evaluation of proton radiography techniques.

For engineering campaigns, the conference agreement provides \$245,225,000, an increase of \$9,469,000 over the budget request, to meet additional program requirements.

For inertial confinement fusion, the conference agreement provides \$506,443,000, an increase of \$39,500,000 over the budget request, and includes several program funding adjustments. The conference agreement includes \$10,000,000 for the Naval Research Laboratory, the same as the budget request. Funding of \$24,500,000 has been provided to further development of high average power lasers.

The conference agreement includes \$35,450,000 for the Laboratory for Laser Energetics at the University of Rochester, an increase of \$2,000,000 over the budget request, to be used for development of critical short-pulse laser technologies that should be extensible to producing very high power laser capability on the National Ignition Facility as well as existing large fusion research lasers like Omega.

The conference agreement provides an additional \$7,000,000 for enhanced National Ignition Facility (NIF) diagnostics and cryogenic target activities, and \$245,000,000, the same as the budget request, for continued construction of the NIF.

The conferees understand the Department is preparing a National Petawatt Strategic Plan and support completion of this initiative, including within the strategic planning the research and development of supporting technologies necessary to ensure U.S. leadership in ultra-short-pulse laser technology. Funding of \$3,000,000 is provided for conceptual and preliminary engineering design

studies for a petawatt-class laser at the Sandia National Laboratory's Z machine, and \$1,000,000 is provided to initiate development of critical short-pulse laser technologies like damage-resistant gratings.

The conferees strongly support university participation in this program and have provided \$9,886,000 for university grants/other ICF support, an increase of \$4,500,000 over the budget request. This includes \$2,500,000 to complete the installation and initiate operation of a petawatt laser or high-power, short-pulse laser at the University of Nevada-Reno. The conferees believe that early access to an operating petawatt-class laser will provide opportunities for exploring technology options to incorporate in the next generation of petawatt lasers. The conferees direct the Department to provide a monthly status report to the House and Senate Committees on Appropriations on the status of the University of Nevada-Reno project. The conferees have included the additional \$2,000,000 for university grants to encourage greater participation of universities in the Department's programs and as a means of training new scientists in high energy density and laser physics.

For advanced simulation and computing, the conference agreement provides \$729,847,000, a decrease of \$8,185,000 from the budget request. The reduction in operating expenses should be taken against lower priority activities. The conference agreement allocates funding of \$8,400,000 for Project 01-D-101, the Distributed Information Systems Laboratory at Sandia; \$22,000,000 for Project 00-D-103, the Terascale Simulation Facility at Livermore; and \$13,377,000 for Project 00-D-107, the Joint Computational Engineering Laboratory at Sandia. Each of these projects has experienced significant reductions in prior years due to funding constraints.

For pit manufacturing and certification, the conference agreement provides \$219,000,000, an increase of \$90,455,000 over the budget request of \$128,545,000. On September 28, 2001, the NNSA Administrator notified the House and Senate Committees on Appropriations that the fiscal year 2002 projected cost for pit manufacturing and certification was \$213,000,000. In addition, the conferees have provided the budget request of \$2,000,000 for pit manufacturing and certification activities not specifically supporting the W88 and \$4,000,000 for preconceptual design activities for a new pit manufacturing facility. From within the funds provided, the conference agreement includes full funding for subcritical experiments to be performed at the Nevada Test Site. Additional funding is provided within the Readiness in Technical Base and Facilities program to support facilities and activities critical to the success of the pit manufacturing and certification campaign.

For readiness campaigns, the conference agreement provides \$196,886,000, an increase of \$31,869,000 over the budget request. This includes, at a minimum, an additional \$24,000,000 for the Y-12 Plant in Oak Ridge, Tennessee. No funding is provided for Project 98-D-126, Accelerator Production of Tritium, the same as the budget request.

For readiness in technical base and facilities, the conference agreement provides \$1,553,124,000, an increase of \$106,136,000 over the budget request, and includes several funding adjustments.

Within funds provided for operations of facilities, the conferees direct that, at a minimum, an additional \$25,000,000 be provided for the Pantex Plant in Texas and an additional \$10,000,000 be provided for the Y-12 Plant in Oak Ridge, Tennessee. The conference agreement also includes an additional \$10,000,000 for the Z machine refurbishment at Sandia; \$10,000,000 to consolidate

and enhance counter-terrorism activities and programs at the National Center for Combating Terrorism at the Nevada Test Site; and \$1,500,000 for technology partnerships with industry as proposed by the Senate.

The conference agreement does not provide additional funding to process uranium-233 as proposed by the Senate. This issue is addressed in the Energy Supply account.

Within funds provided for program readiness, the conference agreement includes additional funding of \$10,000,000 for the operation of pulsed power facilities at Sandia National Laboratory. Additional funding of \$9,094,000 above the budget request is provided to maintain Nevada Test Site readiness and maintain materials processing and component manufacturing readiness consistent with the 1993 Presidential directive concerning underground nuclear testing.

Within funds provided for special projects, the conference agreement includes \$1,000,000 for the Remote Sensing Laboratory to enhance pilot proficiency, aircraft safety, and aviation support elements; \$1,000,000 for final funding for the tumor registry in the State of Nevada; \$250,000 to prepare a plan to preserve the history of the Manhattan project; \$1,000,000 for installation of exhibits at the Atomic Testing History Institute; and the budget request for the Los Alamos County Schools and the New Mexico Education Enrichment Foundation.

The conference agreement includes \$90,310,000 for materials recycling, \$8,199,000 for containers, \$10,643,000 for storage, and \$88,923,000 for nuclear weapons incident response, as proposed by the Senate.

For construction projects, the conference agreement includes several adjustments to the budget request. Funding of \$22,830,000 is provided for Project 02-D-103, Project Engineering and Design (PE&D), including \$4,000,000 for architecture and engineering services for modernization of surface support facilities for the U1A complex at the Nevada Test Site; \$4,750,000 for Project 02-D-105, Engineering Technology Complex Upgrade at Livermore; \$3,507,000 for Project 02-D-107, Electrical Power Systems Upgrades at the Nevada Test Site; \$16,379,000 for Project 01-D-103, PE&D, including \$2,693,000 for electrical power systems upgrades at the Nevada Test Site; \$67,000,000 for Project 01-D-108, Microsystems and Engineering Sciences Applications Complex at Sandia; and \$2,000,000 for Project 99-D-108, Renovate Existing Roadways at the Nevada Test Site. No funds are provided for Project 01-D-124, HEU Storage Facility at the Y-12 Plant in Tennessee.

Funding of \$3,300,000 is provided for Project 01-D-107, Atlas Relocation at the Nevada Test Site. The total estimated cost of this project has increased by \$4,123,000 to \$16,312,000.

Facilities and Infrastructure.—The conference agreement includes \$200,000,000 to establish a new program for facilities and infrastructure (F&I). The Department had requested no funding for this program. The conferees agree with the House report language on the F&I program and direct that at least 25 percent of this funding be used to dispose of excess facilities that will provide the greatest impact on reducing long-term costs and risks.

Secure Transportation Asset.—The conference agreement provides \$123,300,000 as proposed by the Senate, an increase of \$1,500,000 over the budget request.

Safeguards and security.—The conference agreement includes \$448,881,000, the same as the budget request, for safeguards and security activities at laboratories and facilities managed by the National Nuclear Security Administration.

Program direction.—The budget request included \$271,137,000 for program direction ac-

tivities in this account. The conference agreement transfers this funding to the Office of the NNSA Administrator account.

Funding adjustments.—The conference agreement includes an adjustment of \$28,985,000 for a security charge for reimbursable work, as proposed in the budget, and a general reduction of \$80,000,000.

DEFENSE NUCLEAR NONPROLIFERATION

The conference agreement provides \$803,586,000 for Defense Nuclear Nonproliferation instead of \$845,341,000 as proposed by the House and \$880,500,000 as proposed by the Senate. The Administration's budget request for Defense Nuclear Nonproliferation was \$773,700,000 which included \$51,459,000 for program direction activities. The conference recommendation transfers all program direction funding to the Office of the NNSA Administrator account which has the effect of reducing the budget request for Defense Nuclear Nonproliferation to \$722,241,000. Thus, the conference recommendation is an increase of \$81,345,000 over the budget request.

Statutory language proposed by the Senate to earmark funding for official reception and representation expenses has not been included. This activity is funded in the Office of the NNSA Administrator account.

Limitation on Russian and Newly Independent States' (NIS) program funds.—The conferees are concerned about the amount of funding for Russian and NIS programs which remains in the United States for Department of Energy contractors and laboratories rather than going to the facilities in Russia and the NIS. The conferees expect the Department to continue to increase the level of funding provided to Russia versus the funding which remains in the United States for Department of Energy contractors and laboratories in each subsequent year. The conferees direct the Department to apply the lowest possible laboratory overhead rates and to increase the percent of funding spent in Russia. The Department is to provide a report to the House and Senate Committees on Appropriations by January 31, 2002, and each subsequent year on the amount of funding provided to Russia and NIS in each program area. The Department should work with the Committees on the specific information to be included in the report.

Nonproliferation and verification research and development.—The conference agreement provides \$244,306,000 for nonproliferation and verification research and development. This includes \$19,510,900 for ground-based systems for treaty monitoring, an increase of \$7,000,000 over the budget request. From within available funds, \$4,000,000 is provided to establish the Remote Systems Test and Engineering Center at the Remote Sensing Laboratory and \$2,500,000 for the Incorporated Research Institutions for Seismology PASSCAL Instrument Center. The Department is urged to review the potential value of the Caucasus Seismic Information Network to the nuclear explosion monitoring national security mission.

The conferees continue to support more opportunity for open competition in appropriate areas of the nonproliferation and verification research and development program. The conferees expect the Department to continue to implement recommendations provided by the external review group in support of open competition and direct the Department to initiate a free and open competitive process for at least 25 percent of its research and development activities during fiscal year 2002 for ground-based systems treaty monitoring. The competitive process should be open to all Federal and non-Federal entities.

Arms control.—The conference agreement provides \$75,741,000 for arms control activities, instead of the budget request of

\$101,500,000, due to several funding transfers. The conference agreement transfers \$4,000,000 for the Second Line of Defense program to the International Materials Protection, Control and Accounting program. Funding of \$28,759,000 for the NIS nonproliferation program for the Initiatives for Proliferation Prevention and the Nuclear Cities Initiative has been transferred to a new program, "Russian Transition Initiatives." Funding of \$15,945,000, an increase of \$7,000,000 over the budget request, has been provided for spent nuclear fuel activities in Kazakhstan. No additional funds are provided for spent nuclear fuel storage and a geologic repository in Russia.

International materials protection, control and accounting (MPC&A).—The conference agreement includes \$173,000,000 for the MPC&A program including \$4,000,000 for the Second Line of Defense program which was transferred from the Arms Control program.

Russian Transition Initiatives.—The conference agreement provides \$42,000,000 for the Initiatives for Proliferation Prevention program and the Nuclear Cities Initiative. These programs were transferred from the arms control program. The conferees expect the Department to provide a single program manager responsible for both programs and have provided the Department the flexibility to allocate the funding between the two programs. The program manager should also ensure close coordination with other Federal agencies that direct money to scientists working in closed cities.

HEU transparency implementation.—The conference agreement provides \$13,950,000, the same as the budget request.

International nuclear safety.—The conference agreement provides \$10,000,000 for the international nuclear safety program, a reduction of \$3,800,000 from the budget request. This funding is to be used only for activities in support of completing the upgrades to Soviet-designed nuclear reactors. From within available funds, the conference agreement provides \$1,500,000 to transfer and implement proven U.S.-developed Mechanical Stress Improvement Process technology requested by the Russian Federation. The Department is to provide a status report on the progress of this project by March 31, 2002.

Fissile materials disposition.—The conference agreement provides \$302,422,000 for fissile materials disposition, an increase of \$12,333,000 over the budget request. Limitations on the amount of funding which remains in the United States shall not apply to the fissile material disposition programs.

The conference agreement includes \$5,000,000 to support the joint United States-Russian program to develop an advanced reactor for plutonium disposition. The United States should take advantage of this technology for a possible next generation nuclear power reactor for United States and foreign markets. Therefore, the Department should explore opportunities to develop and exploit this technology for commercial purposes.

The conferees are concerned that the Administration's consideration of alternative plutonium disposition and management scenarios, combined with a much lower than expected budget request, have introduced substantial instability into both the Russian and U.S. components of the plutonium disposition program. The conferees regard this program as one of the most important nonproliferation initiatives undertaken between the United States and Russia. It is also closely integrated into the Department's environmental cleanup and material management programs. The instabilities injected into this program are jeopardizing the future of this program, both in this country and in Russia, and may result in the permanent loss of this significant opportunity.

The conferees understand that the issue of plutonium disposition at the Savannah River Site will be fully addressed in the Fiscal Year 2002 Defense Authorization Act. However, the conferees direct the Secretary of Energy to consult with the Governor of the State of South Carolina regarding any decisions or plans of the Secretary related to the disposition of surplus defense plutonium located at the Savannah River Site. The Secretary is also directed to submit to Congress a plan for disposal of surplus defense plutonium currently located at the Savannah River site and for disposal of defense plutonium and defense plutonium materials to be shipped to the Savannah River Site in the future. This plan is due by February 1, 2002.

The conferees further direct the Secretary to provide 30 days notice to the House and Senate Committees on Appropriations before resuming shipments of defense plutonium and defense plutonium materials to the Savannah River Site.

Until further approval from the Committees on Appropriations, the conferees expect that funds set aside for plutonium disposition in Public Law 105-227, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, shall only be used in a manner consistent with the current plutonium disposition program.

At the request of the Department, the conference agreement makes the following changes to the Department's budget request. Funding of \$5,000,000 is reallocated from Project 99-D-141, the Pit Disassembly and Conversion Facility, to operating expenses in support of this project. Funding of \$29,340,000, an increase of \$5,340,000 over the budget request, is provided for Project 01-D-407, the HEU Blend Down Project. Funding of \$65,993,000, an increase of \$2,993,000 over the budget request, is provided for Project 99-D-143, the Mixed Oxide Fuel Fabrication Facility. These increases totaling \$8,333,000 are funded through balances remaining from prior year construction projects.

Program direction.—The budget request included \$51,459,000 for program direction activities in this account. The conference agreement transfers this funding to the Office of the NNSA Administrator account.

Funding adjustments.—The conference agreement includes funding adjustments of \$57,833,000. This includes the use of \$42,000,000 of prior year balances, as requested in the budget; \$8,333,000 from prior year balances in fissile materials disposition construction projects; and \$7,500,000 from prior year unobligated and uncosted balances.

NAVAL REACTORS

The conference agreement provides \$688,045,000 for Naval Reactors, the same as the budget request.

OFFICE OF THE ADMINISTRATOR

The conference agreement provides \$312,596,000 for the Office of the Administrator instead of \$10,000,000 as proposed by the House and \$15,000,000 as proposed by the Senate. The conference agreement consolidates program direction funds of \$337,596,000 requested in the weapons activities, defense nuclear nonproliferation, and office of the administrator appropriation accounts. Total funding of \$312,596,000 has been provided, a reduction of \$25,000,000 from the original request. This reduction anticipates efficiencies to be gained through this consolidation and the use of prior year unobligated balances from the three merged program direction accounts.

The conferees do not support increasing the total number of staff in the NNSA. While there is broad agreement that NNSA may not have the appropriate skill mix in its existing work force, there is also broad agreement that simply adding more people is not the answer.

Statutory language providing \$12,000 for official reception and representation expenses has been included.

ENVIRONMENTAL AND OTHER DEFENSE RELATED ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

The conference agreement provides \$5,234,576,000 for Defense Environmental Restoration and Waste Management instead of \$5,174,539,000 as proposed by the House and \$5,389,868,000 as proposed by the Senate. Additional funding of \$1,092,878,000 is contained in the Defense Facilities Closure Projects account and \$153,537,000 in the Defense Environmental Management Privatization account for a total of \$6,480,991,000 provided for all defense environmental management activities.

The conference agreement provides for the purchase of not to exceed 30 passenger motor vehicles as proposed by the House.

The conferees believe the significant clean-up issues before the Department at the Paducah Gaseous Diffusion Plant in Kentucky require continued strong management oversight from Headquarters. The conferees direct that the Secretary provide for the management of environmental matters (including planning and budgetary activities) with respect to the plant through the Assistant Secretary of Energy for Environmental Management. The Assistant Secretary shall ensure that direct communication and thorough consultation exists at all times between herself and the head of the Paducah environmental cleanup programs on all relevant matters.

Low level waste disposal.—The conferees agree that the Department, where cost-effective, should use existing Federal contracts for the disposal of low-level and mixed low-level waste at commercial off-site disposal facilities. Further, before proceeding with any new on-site disposal cell, the Department is directed to submit to the House and Senate Committees on Appropriations an objective analysis comparing the life-cycle costs of on-site versus off-site disposal alternatives. Such analysis must address the concerns identified by the General Accounting Office in its recent report (GAO-01-441), which found that the Department has not made accurate estimates of waste volumes and transportation costs when comparing on-site versus off-site alternatives.

Site/Project Completion.—The conference agreement provides additional funding to mitigate funding shortfalls at the following sites: \$18,000,000 for the Idaho site; \$20,000,000 for the Savannah River Site in South Carolina; \$34,300,000 for the Hanford site in Richland, Washington; and \$7,000,000 for South Valley, Kansas City, Pantex, and Sandia.

The conference agreement includes \$9,000,000 to expedite the remediation and conveyance of up to 2000 acres of land for the use of Pueblo of San Ildefonso and approximately 100 acres to the County of Los Alamos consistent with the direction of section 632 of Public Law 105-119.

Funding of \$20,000,000 has been provided for a new construction project, Project 02-D-420, Plutonium Packaging and Stabilization, at the Savannah River Site. At the request of the Department, the conference agreement consolidates funding from the following sources for this project: \$7,500,000 from current and prior year balances in Project 01-D-414, Project Engineering and Design (PE&D); \$4,000,000 from prior year balances available from cancellation of Project 01-D-415, 235-F Packaging and Stabilization project; and \$8,500,000 from prior year balances provided to the Savannah River Site in fiscal year 2001 for plutonium stabilization activities.

Funding of \$2,754,000 is provided for Project 01-D-414, Project Engineering and Design, as proposed by the House.

Post 2006 Completion.—The conference agreement provides additional funding over the budget request for several activities. Additional funding of \$105,000,000 is provided for the Idaho site. From within these funds, \$15,000,000 is to initiate activities associated with the demonstration of waste retrieval at the subsurface disposal area at the Idaho National Engineering and Environmental Laboratory (INEEL); \$700,000 is to continue conceptual design activities for a subsurface geosciences laboratory at Idaho; \$4,000,000 is for the Subsurface Science Research Institute operated by the Inland Northwest Research Alliance and the INEEL; and up to \$750,000 is to evaluate the need for a remote-handled transuranic waste facility at ANL-West and initiate conceptual design if needed.

The conferees encourage the Department of Energy to use alternative dispute resolution to resolve claims relating to the contract dispute on Pit 9 at Idaho.

Additional funding of \$125,000,000 is provided for the Savannah River Site in South Carolina. From within available funds, \$8,000,000 is provided for the Savannah River Ecology Laboratory, an increase of \$2,000,000 over the budget request, and \$800,000 is provided to continue the Department's relationship with the University of South Carolina's Center for Water Resources.

Additional funding of \$110,000,000 is provided for the Hanford site in Richland, Washington, to support the River Corridor Initiative. From within available funds, \$8,481,000 is provided for the hazardous waste worker training program, an increase of \$7,481,000 over the budget request, and \$600,000 is provided for State of Oregon oversight activities. The Department is expected to continue making PILT payments at last year's level to counties that have the Hanford reservation within their boundaries.

Additional funding of \$3,400,000 is provided for cleanup activities at the Nevada Test Site and \$3,000,000 to continue the underground test area groundwater flow characterization drilling program.

Additional funding of \$10,000,000 is provided to continue remediation, waste management, and nuclear materials stewardship activities at Los Alamos National Laboratory and to support New Mexico State Agreements-in-Principal requirements.

Additional funding of \$10,000,000 is provided for cleanup activities at the Lawrence Livermore National Laboratory.

Additional funding of \$28,100,000 is provided to the Carlsbad field office. This includes \$17,100,000 for Waste Isolation Pilot Plant (WIPP) operations; \$7,000,000 to implement program-wide best practices to optimize waste processing, develop new technology solutions, and develop a mobile/modular approach for small quantity sites; \$3,000,000 to continue the U.S.-Mexico Border Health Commission/Materials Corridor Partnership Initiative; and \$1,000,000 for research, development, and initial demonstration in support of an experiment to be conducted at WIPP to evaluate the mass of the neutrino.

Office of River Protection.—The conference agreement provides \$1,033,468,000, an increase of \$221,000,000 over the budget request, for the Office of River Protection at the Hanford site in Washington. Funding of \$665,000,000 has been provided for Project 01-D-416, the Hanford Waste Treatment Plant, to vitrify the high-level waste in underground tanks.

While the conferees share Washington State's concern regarding the Administration's inadequate budget request for the Office of River Protection and Hanford cleanup activities and recognize the right of the State to levy fines under the Tri-Party Agreement, the conferees question the constructiveness of the State's imposition of

weekly fines due to the Department's failure to begin construction on the waste treatment plant. As demonstrated in this conference, the conferees continue to adequately support this project and believe the weekly fines may only be serving to distract site managers from the mission of cleanup.

Science and technology development.—The conference agreement provides \$255,768,000 for the science and technology development program. The conference agreement provides \$4,000,000 for the next round of new and innovative research grants in the environmental management science program in fiscal year 2002.

The conference agreement includes \$4,000,000 for the international agreement with AEA Technology; \$7,000,000 for the Department's cooperative agreement with the Florida International University; \$27,100,000 for the D&D focus area program; \$33,800,000 for industry and university programs; \$5,000,000 for the Western Environmental Technology Office; \$4,000,000 to continue evaluation, development and demonstration of the Advanced Vitrification System; \$3,000,000 to continue engineering, development and deployment of remote monitoring systems for the underground test area; \$5,000,000 for the Diagnostic Instrumentation and Analysis Laboratory; and \$4,350,000 for the university robotics research program.

Limitation on multi-year funding agreements.—The Department is directed not to sign any new funding agreement that commits more than one year of funding for science and technology activities with any entity. The following types of agreements are exempt from this direction: basic and applied research projects that have been competitively awarded; competitively awarded science and technology projects that are phased such that funding for the succeeding phases is contingent upon successful performance, continued scientific merit, and mission relevance of the work to environmental management; and projects requiring significant infrastructure investment which will be cost shared between the Department and the performing entity. For new science and technology projects not meeting one of the above exemptions, the Department shall provide written notification to the Committees of its intent to enter into an agreement that commits more than one year of funding a minimum of 60 days prior to award. This notification must provide a detailed description of the project, the expected benefits, and a justification for multiple year funding.

Excess facilities.—The conference agreement includes \$5,000,000, an increase of \$3,700,000 over the budget request, for excess facilities. These funds are to be used to initiate D&D of excess facilities owned by the environmental management program.

Safeguards and security.—The conference agreement includes \$205,621,000, the same as the budget request, for safeguards and security activities at laboratories and facilities managed by the Office of Environmental Management.

Program direction.—The conferees have provided \$355,761,000, the same as the budget request, for the program direction account.

Funding adjustments.—The conference agreement includes the use of \$56,770,000 of prior year balances, an increase of \$20,000,000 over the budget request, which funds Project 02-D-420 at the Savannah River Site. A security charge for reimbursable work of \$5,391,000, the same as the budget request, is included, and a general reduction of \$92,110,000, due to funding constraints.

DEFENSE FACILITIES CLOSURE PROJECTS

The conference agreement provides \$1,092,878,000 as proposed by the House instead of \$1,080,538,000 as proposed by the Sen-

ate. Funding is provided for the following projects: \$620,504,000 for the Rocky Flats Site in Colorado; \$295,299,000 for Fernald, Ohio; \$91,000,000 for the Mound site in Ohio; \$16,000,000 for the Ashtabula site in Ohio; and \$16,100,000 for the Columbus environmental management project in Ohio. The conferees expect the Department to request adequate funds to keep each of these projects on schedule for closure by 2006 or earlier.

Funding of \$53,975,000 is provided for safeguards and security. Any savings resulting from safeguards and security costs are to be retained and used for cleanup activities at the closure sites.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

The conference agreement provides \$153,537,000 for the defense environmental management privatization program instead of \$143,208,000 as proposed by the House and \$157,537,000 as proposed by the Senate. The conference agreement includes \$13,329,000 for the Paducah Disposal Facility in Kentucky, the same as the budget request.

Funding of \$52,000,000 has been provided for the Advanced Mixed Waste Treatment Project (AMWTP) in Idaho, an increase of \$12,000,000 over the budget request of \$40,000,000. Funding for the AMWTP does not include financing and termination liability costs for fiscal year 2002 that would be required of the Department of Energy in the unlikely event of a termination for convenience as stipulated in the project contract.

OTHER DEFENSE ACTIVITIES

The conference agreement provides \$544,044,000 for Other Defense Activities instead of \$487,464,000 as proposed by the House and \$564,168,000 as proposed by the Senate. Details of the conference agreement are provided below.

SECURITY AND EMERGENCY OPERATIONS

For security and emergency operations funding managed at Headquarters, the conference agreement provides \$250,427,000, a reduction of \$18,823,000 from the budget request. The conference agreement provides total safeguards and security funding of \$1,004,716,000 which includes \$754,289,000 for safeguards and security activities at Departmental field offices and facilities. For field sites, this is an increase of \$63,451,000 over fiscal year 2001 funding of \$665,178,000 for safeguards and security activities.

Funding of \$116,500,000 is provided for nuclear safeguards and security, including \$2,500,000 to procure safety locks to meet Federal specifications.

The conference agreement provides \$44,927,000 for security investigations, the same as the budget request.

Funding of \$10,000,000 is provided for the Corporate Management Information System in this account, a reduction of \$10,000,000 from the budget request, and \$5,000,000 is provided in the Departmental Administration account.

Program direction.—The conference agreement provides \$79,000,000 for program direction, a decrease of \$4,135,000 from the budget request.

INTELLIGENCE

The conference agreement includes \$40,844,000, the same as the budget request, for the Department's intelligence program.

COUNTERINTELLIGENCE

The conference agreement includes \$46,000,000, a reduction of \$389,000 from the budget request, for the Department's counterintelligence program.

ADVANCED ACCELERATOR APPLICATIONS

The conference agreement provides \$50,000,000 to continue research on advanced accelerator applications, including \$4,500,000

for research and development of technologies for economic and environmentally-sound refinement of spent nuclear fuel at the University of Nevada-Las Vegas; \$4,000,000 for reactor-based transmutation studies; and \$1,500,000 for the Idaho Accelerator Center. No funds are provided for Project 98-D-126, Accelerator Production of Tritium.

The President's National Energy Policy of May 2001 acknowledged the potential of reprocessing and transmutation technologies to reduce the quantity and long-term toxicity of spent nuclear fuel, and recommended further consideration of such technologies. The Advanced Accelerator Applications program will provide the technical information to support a future policy decision on these options.

The Department is directed to prepare a report for Congress by May 1, 2002, providing a comparison of the chemical and pyro-reprocessing, accelerator-driven transmutation, and fast reactor transmutation alternatives, fully disclosing all waste streams and estimating the life-cycle costs to construct, operate, and decommission and decontaminate all necessary facilities. The Department should also compare the proliferation resistance of the various technologies. The baseline for all comparisons should be the once-through fuel cycle as presently used in the United States, and the amount of spent nuclear fuel presently scheduled for disposal in the geologic repository. The conferees expect this report to present the Department's strategy for siting the new processing and disposal facilities that would be required for the various reprocessing and transmutation alternatives, again assuming a capacity sufficient to process the amount of spent fuel presently scheduled for geologic disposal. The conferees encourage the participation of international collaborators, industrial partners, and U.S. universities in this effort.

INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE

The conference agreement provides \$14,904,000, the same as the budget request, for the independent oversight and performance assurance program. The conferees are aware that additional duties for environmental oversight have been assigned to this office and expect the Department to submit a reprogramming to transfer an estimated \$7,000,000 to support these oversight activities which have been funded previously in the environment, safety and health program.

ENVIRONMENT, SAFETY AND HEALTH (DEFENSE)

The conference agreement provides \$17,688,000 for defense-related environment, safety and health activities. From within available funds, \$53,438,000 is provided for health effects studies and \$13,500,000 for the Radiation Effects Research Foundation, the same as the budget request. The conferees have provided \$5,000,000 to continue a program at the University of Nevada-Las Vegas for Department-wide management of electronic records; \$1,750,000 for the University of Louisville and the University of Kentucky to perform epidemiological studies of workers; and \$1,000,000 for health studies of workers at the Iowa Army Ammunition Plant.

The U.S. government is currently renegotiating its diplomatic, defense, and economic relationship with the Government of the Republic of the Marshall Islands (RMI). The conferees urge the U.S. government to provide a single, combined package of assistance to support the medical and public health infrastructure needs of the Marshall Islands and believe that the negotiations should include discussion of the transition of the environmental monitoring program to the RMI.

The conference agreement includes \$22,000,000 for program direction, a reduction of \$1,293,000 from the budget request.

WORKER AND COMMUNITY TRANSITION

The conference agreement provides \$20,000,000 for the worker and community transition program as proposed by the Senate. Funding of \$900,000 has been provided for infrastructure improvements at the former Pinellas weapons plant.

The conference agreement provides that no funds may be used to augment the \$20,000,000 made available for obligation for severance payments and other benefits and community assistance grants unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees.

NATIONAL SECURITY PROGRAMS ADMINISTRATIVE SUPPORT

The conference agreement provides \$22,000,000 for national security programs administrative support instead of \$25,000,000 as proposed by the House and the Senate.

OFFICE OF HEARINGS AND APPEALS

The conference agreement provides \$2,893,000 for the Office of Hearings and Appeals, the same as the budget request.

FUNDING ADJUSTMENTS

Funding adjustments include a security charge for reimbursable work of \$712,000 and a general reduction of \$20,000,000. The general reduction should be applied to programs which have unobligated balances carried over from prior fiscal years and lower priority program activities.

DEFENSE NUCLEAR WASTE DISPOSAL

The conference agreement provides \$280,000,000 for the defense contribution to the nuclear waste repository program instead of \$310,000,000 as proposed by the House and \$250,000,000 as proposed by the Senate.

POWER MARKETING ADMINISTRATIONS BONNEVILLE POWER ADMINISTRATION FUND

The conference agreement does not incorporate Senate language providing new borrowing authority to the Bonneville Power Administration. No new direct loan obligations may be made during fiscal year 2002 as proposed by the House.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

The conference agreement includes \$4,891,000, the same as the budget request, for the Southeastern Power Administration.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

The conference agreement includes \$28,038,000, the same as the budget request, for the Southwestern Power Administration.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

The conference agreement provides \$171,938,000, instead of \$172,165,000 as proposed by the House and \$169,465,000 as proposed by the Senate. The conference agreement does not include bill language proposed by the Senate earmarking funds for specific activities.

Of the amount appropriated, not less than \$200,000 shall be provided for corridor review and environmental review required for construction of a 230 kv transmission line between Belfield and Hettinger, North Dakota. These funds shall be non-reimbursable. Within the amount appropriated, not less than \$200,000 shall be provided for the Western Area Power Administration to conduct a technical analysis of the costs and feasibility of transmission expansion methods and technologies. These funds shall be non-reimbursable. Western shall publish a study by July 31, 2002, that contains a recommendation of the most cost-effective methods and technologies to enhance elec-

tricity transmission from lignite and wind energy.

The amount appropriated for construction and rehabilitation includes \$2,700,000 to fund high priority portions of the South of Phoenix portion of the Parker-Davis Project transmission system. The Federal share of the upfront costs is to be recovered through the transmission rates of the Parker-Davis Project. Western should pursue additional funds from those utilities requiring additional transmission capacity, and the conferees expect that any funding received will be used to offset future appropriations requirements.

Funding of \$6,000,000 is provided for the Utah Reclamation Mitigation and Conservation Account.

The conference agreement provides \$109,378,000 for program direction, a reduction of \$5,000,000 from the budget request.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

The conference agreement includes \$2,663,000, the same as the budget request, for the Falcon and Amistad Operating and Maintenance Fund.

FEDERAL ENERGY REGULATORY COMMISSION SALARIES AND EXPENSES

The conference agreement includes \$184,155,000, a \$3,000,000 increase over the budget request for the Federal Energy Regulatory Commission. The conference agreement also includes statutory language authorizing an additional five senior executive service positions for the Federal Energy Regulatory Commission. The conference agreement does not include bill language proposed by the House prohibiting the use of funds to authorize construction of the Gulfstream Natural Gas Project.

The conferees direct the Commission to submit a report to Congress by January 31, 2002, on the economic impacts on western utilities and ratepayers associated with the Commission's emergency order imposing price caps on daily spot power sales resulting from the inability of western load serving utilities to recover costs from daily sales of excess power from long-term forward contracts.

GENERAL PROVISIONS DEPARTMENT OF ENERGY

Sec. 301. The conference agreement includes a provision proposed by the House that none of the funds may be used to award a management and operating contract unless such contract is awarded using competitive procedures, or the Secretary of Energy grants a waiver to allow for such a deviation. At least 60 days before the Secretary grants such a waiver, the Secretary must submit a report setting forth, in specificity, the substantive reasons why the requirement for competition should be waived. This language slightly modifies a provision carried in previous Energy and Water Development Appropriations Acts.

Sec. 302. The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to prepare or implement workforce restructuring plans or provide enhanced severance payments and other benefits and community assistance grants for Federal employees of the Department of Energy under section 3161 of the National Defense Authorization Act of Fiscal Year 1993, Public Law 102-484. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 303. The conference agreement includes a provision proposed by the Senate that none of the funds may be used to augment the \$20,000,000 made available for obligation for severance payments and other

benefits and community assistance grants unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 304. The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to prepare or initiate Requests for Proposals for a program if the program has not been funded by Congress in the current fiscal year. This provision also precludes the Department from initiating activities for new programs which have been proposed in the budget request, but which have not yet been funded by Congress. This provision has been carried in previous Energy and Water Development Appropriations Acts.

(TRANSFERS OF UNEXPENDED BALANCES)

Sec. 305. The conference agreement includes a provision proposed by the House and Senate that permits the transfer and merger of unexpended balances of prior appropriations with appropriation accounts established in this bill. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 306. The conference agreement includes language proposed by the House prohibiting the Bonneville Power Administration from performing energy efficiency services outside the legally defined Bonneville service territory unless the Administrator certifies in advance that such services are not available from private sector businesses. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 307. The conference agreement amends section 308 as proposed by the House regard-

ing notice and competition required for Department of Energy user facilities.

Sec. 308. The conference agreement includes language limiting the types of waste that can be disposed of in the Waste Isolation Pilot Plant in New Mexico. None of the funds may be used to dispose of transuranic waste in excess of 20 percent plutonium by weight for the aggregate of any material category. At the Rocky Flats site, this provision includes ash residues; salt residues; wet residues; direct repackaging residues; and scrub alloy as referenced in the "Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site". This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 309. The conference agreement includes language proposed by the Senate allowing the Administrator of the National Nuclear Security Administration to authorize certain nuclear weapons production plants to use not more than 2 percent of available funds for research, development and demonstration activities. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 310. The conference agreement includes language proposed by the Senate allowing the Administrator of the National Nuclear Security Administration to authorize the manager of the Nevada Operations Office to use not more than 2 percent of available funds for research, development and demonstration activities necessary for operations and readiness of the Nevada Test Site.

Sec. 311. The conference agreement includes language proposed by the Senate amending section 1 of Public Law 105-204 pertaining to depleted uranium hexafluoride by extending the date to fiscal year 2005.

Sec. 312. The conference agreement modifies language proposed by the Senate prohibiting oil and gas drilling in the Finger Lakes National Forest, New York. No Federal permit or lease shall be issued during fiscal year 2002.

Provisions not adopted by the conference.—The conference agreement deletes section 307 of the House bill and section 306 of the Senate bill pertaining to LDRD.

The conference agreement deletes section 309 of the Senate bill allowing each Federal power marketing administration to engage in activities relating to the formation and operation of a regional transmission organization.

The conference agreement deletes section 312 of the Senate bill requiring the Secretary of Energy to conduct a study of alternative financing approaches for infrastructure and facility construction projects at the Department of Energy. This reporting requirement is addressed in the statement of the managers.

The conference agreement deletes section 313 of the Senate bill requiring the Secretary of Energy to implement certain reporting structures for the Paducah Gaseous Diffusion Plant in Kentucky. This requirement is addressed in the statement of the managers.

The conference agreement deletes section 314 of the Senate bill expressing the sense of the Senate on Yucca Mountain.

The conference agreement deletes section 315 of the Senate bill pertaining to consultations with the State of South Carolina on the disposition of plutonium. This issue is addressed in the statement of the managers.

CONFERENCE RECOMMENDATIONS

The conference agreement's detailed funding recommendations for programs in title III are contained in the following table.

Department of Energy (in thousands)

	Budget Request	Conference
ENERGY SUPPLY		
RENEWABLE ENERGY RESOURCES		
Renewable energy technologies		
Biomass/biofuels energy systems.....	81,955	93,000
Geothermal technology development.....	13,900	29,000
Hydrogen research.....	26,881	31,000
Hydropower.....	4,989	5,300
Solar energy.....	42,932	95,000
Wind energy systems.....	20,500	41,000
Total, Renewable energy technologies.....	191,157	294,300
Electric energy systems and storage.....	51,746	63,000
Renewable support and implementation		
Departmental energy management.....	1,000	1,500
International renewable energy program.....	2,500	3,000
Renewable energy production incentive program.....	3,991	4,000
Renewable Indian energy resources.....	---	3,000
Renewable program support.....	2,059	3,000
Total, Renewable support and implementation.....	9,550	14,500
National renewable energy laboratory.....	5,000	5,000
Program direction.....	19,200	19,200
TOTAL, RENEWABLE ENERGY RESOURCES.....	276,653	396,000
NUCLEAR ENERGY		
Advanced radioisotope power system.....	29,094	29,000
Isotopes		
Isotope support and production.....	24,683	23,683
Construction		
99-E-201 Isotope production facility (LANL)....	2,494	2,494
Subtotal, Isotope support and production.....	27,177	26,177
Offsetting collections.....	-9,000	-9,000
Total, Isotopes.....	18,177	17,177
University reactor fuel assistance and support.....	11,974	17,500
Research and development		
Nuclear energy plant optimization.....	4,500	7,000
Nuclear energy research initiative.....	18,079	32,000
Nuclear energy technologies.....	4,500	12,000
Total, Research and development.....	27,079	51,000
Infrastructure		
ANL-West operations.....	34,107	35,357
Fast flux test facility (FFTF).....	38,439	38,439

Department of Energy (in thousands)

	Budget Request	Conference
Test reactor area landlord.....	7,283	7,283
Construction		
99-E-200 Test reactor area electrical utility upgrade, Idaho National Engineering Laboratory, ID.....	950	950
95-E-201 Test reactor area fire and life safety improvements, Idaho National Engineering Laboratory, ID.....	500	500
Subtotal, Construction.....	1,450	1,450
Subtotal, Test reactor area landlord.....	8,733	8,733
Total, Infrastructure.....	81,279	82,529
Nuclear facilities management		
EBR-II shutdown.....	4,200	4,200
Disposition of spent fuel and legacy materials.....	16,267	16,200
Disposition technology activities.....	9,990	9,850
Total, Nuclear facilities management.....	30,457	30,250
Program direction.....	25,062	23,000
TOTAL, NUCLEAR ENERGY.....	223,122	250,456
ENVIRONMENT, SAFETY AND HEALTH		
Office of Environment, Safety and Health (non-defense) Program direction.....	14,973 20,527	10,973 19,527
TOTAL, ENVIRONMENT, SAFETY AND HEALTH.....	35,500	30,500
ENERGY SUPPORT ACTIVITIES		
Technical information management program.....	1,600	1,400
Program direction.....	7,370	6,370
TOTAL, ENERGY SUPPORT ACTIVITIES.....	8,970	7,770
Subtotal, Energy supply.....	544,245	684,726
General reduction.....	---	-18,000
TOTAL, ENERGY SUPPLY.....	544,245	666,726
NON-DEFENSE ENVIRONMENTAL MANAGEMENT		
Site closure.....	43,000	43,000
Site/project completion.....	64,119	64,119

Department of Energy (in thousands)

	Budget Request	Conference
Post 2006 completion.....	120,053	125,753
Excess facilities.....	1,381	3,500
	=====	=====
TOTAL, NON-DEFENSE ENVIRONMENTAL MANAGEMENT.....	228,553	236,372
	=====	=====
URANIUM FACILITIES MAINTENANCE AND REMEDIATION		
Uranium Enrichment Decontamination and Decommissioning Fund		
Decontamination and decommissioning.....	241,641	298,641
Uranium/thorium reimbursement.....	1,000	1,000
Depleted UF6 conversion project.....	10,000	---
	-----	-----
Total, Uranium enrichment D&D fund.....	252,641	299,641
	=====	=====
Other Uranium Activities		
Maintenance and pre-existing liabilities.....	110,784	110,784
02-U-101 Depleted uranium hexafluoride conversion project, Paducah, KY and Portsmouth, OH.....	---	10,000
96-U-201 DUF6 cylinder storage yard, Paducah, KY....	---	3,000
	-----	-----
Total, Other uranium activities.....	110,784	123,784
	=====	=====
Use of prior year balances.....	---	-5,000
	=====	=====
TOTAL, URANIUM FACILITIES MAINTENANCE AND REMEDIATION.....	363,425	418,425
	=====	=====
SCIENCE		
High energy physics		
Research and technology.....	247,870	247,870
Facility operations.....	456,830	456,830
Construction		
98-G-304 Neutrinos at the main injector, Fermilab.....	11,400	11,400
	-----	-----
Subtotal, Facility operations.....	468,230	468,230
	-----	-----
Total, High energy physics.....	716,100	716,100
	=====	=====
Nuclear physics.....	360,510	360,510
	=====	=====
Biological and environmental research.....	432,970	516,000
Construction		
01-E-300 Laboratory for Comparative and Functional Genomics, ORNL.....	10,000	11,405
	-----	-----
Total, Biological and environmental research.....	442,970	527,405
	=====	=====
Basic energy sciences		
Materials sciences.....	434,353	434,353
Chemical sciences.....	218,714	218,714
Engineering and geosciences.....	38,938	38,938
Energy biosciences.....	32,400	32,400

Department of Energy (in thousands)

	Budget Request	Conference

Construction		
02-SC-002 Project engineering and design (VL).....	4,000	3,000
99-E-334 Spallation neutron source (ORNL).....	276,300	276,300
Subtotal, Construction.....	280,300	279,300

Total, Basic energy sciences.....	1,004,705	1,003,705
=====		
Advanced scientific computing research.....	163,050	158,050
Energy research analyses.....	1,000	1,000
=====		
Multiprogram energy labs - facility support		
Infrastructure support.....	1,020	1,020
Oak Ridge landlord.....	7,359	7,359
Construction		
MEL-001 Multiprogram energy laboratory infrastructure projects, various locations.....	18,613	18,613
02-SC-001 Multiprogram energy laboratories, project engineering design, various locations.....	3,183	3,183
Subtotal, Construction.....	21,796	21,796

Total, Multiprogram energy labs - fac. support....	30,175	30,175
=====		
Fusion energy sciences program.....	248,495	248,495
Facilities and infrastructure.....	---	10,000
Safeguards and security.....	55,412	55,412
=====		
Program direction		
Field offices.....	64,400	63,000
Headquarters.....	73,525	72,500
Science education.....	4,460	4,460

Total, Program direction.....	142,385	139,960
=====		
Subtotal, Science.....	3,164,802	3,250,812
=====		
General reduction.....	---	-12,800
Less security charge for reimbursable work.....	-4,912	-4,912
=====		
TOTAL, SCIENCE.....	3,159,890	3,233,100
=====		
NUCLEAR WASTE DISPOSAL		
Repository program.....	70,577	39,000
Program direction.....	64,402	56,000
=====		
TOTAL, NUCLEAR WASTE DISPOSAL.....	134,979	95,000
=====		

Department of Energy (in thousands)

	Budget Request	Conference
DEPARTMENTAL ADMINISTRATION		
Administrative operations		
Salaries and expenses		
Office of the Secretary.....	4,700	4,700
Board of contract appeals.....	911	911
Office of Management, Budget and Evaluation.....	---	107,000
Chief financial officer.....	36,464	---
Congressional and intergovernmental affairs.....	5,478	4,500
Economic impact and diversity.....	5,230	5,000
General counsel.....	23,058	22,724
International affairs.....	8,481	8,481
Management and administration.....	76,392	---
Policy office.....	6,649	6,600
Public affairs.....	4,581	3,900
Subtotal, Salaries and expenses.....	171,944	163,816
Program support		
Minority economic impact.....	1,498	1,200
Policy analysis and system studies.....	420	400
Environmental policy studies.....	919	600
Corporate management information program.....	---	5,000
Subtotal, Program support.....	2,837	7,200
Total, Administrative operations.....	174,781	171,016
Cost of work for others.....	71,837	71,837
Subtotal, Departmental Administration.....	246,618	242,853
Use of prior year balances and other adjustments.....	---	-10,000
Funding from other defense activities.....	-25,000	-22,000
Total, Departmental administration (gross).....	221,618	210,853
Miscellaneous revenues.....	-137,810	-137,810
TOTAL, DEPARTMENTAL ADMINISTRATION (net).....	83,808	73,043
OFFICE OF INSPECTOR GENERAL		
Office of Inspector General.....	31,430	32,430
ATOMIC ENERGY DEFENSE ACTIVITIES		
NATIONAL NUCLEAR SECURITY ADMINISTRATION		
WEAPONS ACTIVITIES		
Directed stockpile work		
Stockpile research and development.....	305,460	349,000
Stockpile maintenance.....	362,493	350,000
Stockpile evaluation.....	180,834	178,500
Dismantlement/disposal.....	35,414	27,000
Production support.....	152,890	134,896
Field engineering, training and manuals.....	6,700	6,418
Total, Directed stockpile work.....	1,043,791	1,045,814

Department of Energy (in thousands)

	Budget Request	Conference

Campaigns		
Science campaigns		
Primary certification.....	55,530	52,500
Dynamic materials properties.....	97,810	87,400
Advanced radiography.....	60,510	85,803
Secondary certification and nuclear systems margins.....	47,270	44,000
Subtotal, Science campaigns.....	261,120	269,703
Engineering campaigns		
Enhanced surety.....	34,797	37,000
Weapons system engineering certification.....	24,043	26,665
Nuclear survivability.....	19,050	23,694
Enhanced surveillance.....	82,333	82,333
Advanced design and production technologies.....	75,533	75,533
Subtotal, Engineering campaigns.....	235,756	245,225
Inertial confinement fusion and high yield.....	222,943	261,443
Construction		
96-D-111 National ignition facility, LLNL.....	245,000	245,000
Subtotal, Inertial confinement fusion.....	467,943	506,443
Advanced simulation and computing.....	711,185	675,000
Construction		
01-D-101 Distributed information systems laboratory, SNL, Livermore, CA.....	5,400	8,400
00-D-103, Terascale simulation facility, LLNL, Livermore, CA.....	5,000	22,000
00-D-105 Strategic computing complex, LANL, Los Alamos, NM.....	11,070	11,070
00-D-107 Joint computational engineering laboratory, SNL, Albuquerque, NM.....	5,377	13,377
Subtotal, Construction.....	26,847	54,847
Subtotal, Advanced simulation and computing.....	738,032	729,847
Pit manufacturing and certification.....	128,545	219,000
Readiness campaigns		
Secondary readiness.....	23,169	47,169
High explosives manufacturing and weapons assembly/disassembly readiness.....	3,960	6,846
Non-nuclear readiness.....	12,204	18,187
Materials readiness.....	1,209	1,209

Department of Energy (in thousands)

	Budget Request	Conference
Tritium readiness.....	43,350	42,350
Construction		
98-D-125 Tritium extraction facility, SR.....	81,125	81,125
Subtotal, Tritium readiness.....	124,475	123,475
Subtotal, Readiness campaigns.....	165,017	196,886
Total, Campaigns.....	1,996,413	2,167,104
Readiness in technical base and facilities		
Operations of facilities.....	830,427	897,800
Program readiness.....	188,126	192,000
Special projects.....	64,493	60,385
Material recycle and recovery.....	101,311	90,310
Containers.....	8,199	8,199
Storage.....	10,643	10,643
Nuclear weapons incident response.....	89,125	88,923
Subtotal, Readiness in technical base and fac.....	1,292,324	1,348,260
Construction		
02-D-103 Project engineering and design, various locations.....	9,180	22,830
02-D-105 Engineering technology complex upgrade, LLNL.....	---	4,750
02-D-107 Electrical power systems safety communications and bus upgrades, NV.....	3,507	3,507
01-D-103 Project engineering and design (PE&D), various locations.....	45,379	16,379
01-D-107 Atlas relocation, Nevada test site.....	---	3,300
01-D-108 Microsystems and engineering sciences applications complex (MESA), SNL.....	2,000	67,000
01-D-124 HEU storage facility, Y-12 plant, Oak Ridge, TN.....	9,500	---
01-D-126 Weapons Evaluation Test Laboratory Pantex Plant, Amarillo, TX.....	7,700	7,700
01-D-800 Sensitive compartmented information facility, LLNL.....	12,993	12,993
99-D-103 Isotope sciences facilities, LLNL, Livermore, CA.....	4,400	4,400
99-D-104 Protection of real property (roof reconstruction-Phase II), LLNL, Livermore, CA.....	2,800	2,800
99-D-106 Model validation & system certification center, SNL, Albuquerque, NM.....	4,955	4,955
99-D-108 Renovate existing roadways, Nevada Test Site, NV.....	---	2,000

Department of Energy (in thousands)

	Budget Request	Conference
99-D-125 Replace boilers and controls, Kansas City plant, Kansas City, MO.....	300	300
99-D-127 Stockpile management restructuring initiative, Kansas City plant, Kansas City, MO....	22,200	22,200
99-D-128 Stockpile management restructuring initiative, Pantex consolidation, Amarillo, TX....	3,300	3,300
98-D-123 Stockpile management restructuring initiative, Tritium factory modernization and consolidation, Savannah River, SC.....	13,700	13,700
98-D-124 Stockpile management restructuring initiative, Y-12 consolidation, Oak Ridge, TN.....	6,850	6,850
97-D-123 Structural upgrades, Kansas City plant, Kansas City, KS.....	3,000	3,000
96-D-102 Stockpile stewardship facilities revitalization (Phase VI), various locations.....	2,900	2,900
Subtotal, Construction.....	154,664	204,864
Total, Readiness in technical base and facilities.	1,446,988	1,553,124
Facilities and infrastructure.....	---	200,000
Secure transportation asset		
Operations and equipment.....	77,571	79,071
Program direction.....	44,229	44,229
Total, Secure transportation asset.....	121,800	123,300
Safeguards and security.....	439,281	439,281
Construction		
99-D-132 SMRI nuclear material safeguards and security upgrade project (LANL), Los Alamos, NM...	9,600	9,600
Total, Safeguards and security.....	448,881	448,881
Subtotal, Weapons activities.....	5,057,873	5,538,223
Program direction (transferred to Office of the Administrator).....	271,137	---
General reduction.....	---	-80,000
Less security charge for reimbursable work.....	-28,985	-28,985
TOTAL, WEAPONS ACTIVITIES.....	5,300,025	5,429,238

Department of Energy (in thousands)

	Budget Request	Conference

DEFENSE NUCLEAR NONPROLIFERATION		
Nonproliferation and verification, R&D.....	170,296	208,500
Construction		
00-D-192 Nonproliferation and international security center (NISC), LANL.....	35,806	35,806
Total, Nonproliferation and verification, R&D.....	206,102	244,306
=====		
Arms control.....	101,500	75,741
=====		
Nonproliferation programs with Russia		
International materials protection, control, and accounting.....	138,800	173,000
Russian transition initiative.....	---	42,000
HEU transparency implementation.....	13,950	13,950
International nuclear safety.....	13,800	10,000
Fissile materials disposition		
U.S. surplus materials disposition.....	130,089	135,089
Russian surplus materials disposition.....	57,000	61,000
Construction		
01-D-407 Highly enriched uranium (HEU) blend dow Savannah River, SC.....	24,000	29,340
99-D-141 Pit disassembly and conversion facility various locations.....	16,000	11,000
99-D-143 Mixed oxide fuel fabrication facility various locations.....	63,000	65,993
Subtotal, Construction.....	103,000	106,333

Subtotal, Fissile materials disposition.....	290,089	302,422
=====		
Total, Nonproliferation programs with Russia.....	456,639	541,372
=====		
Subtotal, Defense nuclear nonproliferation.....	764,241	861,419
=====		
Program direction (transferred to Office of the Administrator).....	51,459	---
Use of prior year balances.....	-42,000	-57,833
=====		
TOTAL, DEFENSE NUCLEAR NONPROLIFERATION.....	773,700	803,586
=====		
NAVAL REACTORS		
Naval reactors development.....	652,245	652,245
Construction		
01-D-200 Major office replacement building, Schenectady, NY.....	9,000	9,000
90-N-102 Expended core facility dry cell project, Naval Reactors Facility, ID.....	4,200	4,200
Subtotal, Construction.....	13,200	13,200

Total, Naval reactors development.....	665,445	665,445

Department of Energy (in thousands)

	Budget Request	Conference

Program direction.....	22,600	22,600
	=====	=====
TOTAL, NAVAL REACTORS.....	688,045	688,045
	=====	=====
OFFICE OF THE ADMINISTRATOR		
Office of the Administrator.....	15,000	312,596
Transferred from other accounts.....	(322,596)	---
	-----	-----
Total, Program level.....	337,596	312,596
	=====	=====
TOTAL, OFFICE OF THE ADMINISTRATOR.....	337,596	312,596
	=====	=====
TOTAL, NATIONAL NUCLEAR SECURITY ADMINISTRATION...	6,776,770	7,233,465
	=====	=====
DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MGMT.		
Site/project completion		
Operation and maintenance.....	872,030	960,330
Construction		
02-D-402 Intec cathodic protection system expansion project, INEEL, Idaho Falls, ID.....	3,256	3,256
02-D-420 Plutonium packaging and stabilization, Savannah River.....	---	20,000
01-D-414 Preliminary project, engineering and design (PE&D), various locations.....	6,254	2,754
99-D-402 Tank farm support services, F&H area, Savannah River site, Aiken, SC.....	5,040	5,040
99-D-404 Health physics instrumentation laboratory (INEL), ID.....	2,700	2,700
98-D-453 Plutonium stabilization and handling system for PFP, Richland, WA.....	1,910	1,910
96-D-471 CFC HVAC/chiller retrofit, Savannah River site, Aiken, SC.....	4,244	4,244
92-D-140 F&H canyon exhaust upgrades, Savannah River, SC.....	15,790	---
86-D-103 Decontamination and waste treatment facility (LLNL), Livermore, CA.....	762	762
	-----	-----
Subtotal, Construction.....	39,956	40,666
	-----	-----
Total, Site/project completion.....	911,986	1,000,996
	=====	=====
Post 2006 completion		
Operation and maintenance.....	1,680,979	2,105,479
Uranium enrichment D&D fund contribution.....	420,000	420,000
Construction		
93-D-187 High-level waste removal from filled waste tanks, Savannah River, SC.....	6,754	6,754

Department of Energy (in thousands)

	Budget Request	Conference

Office of River Protection		
Operation and maintenance.....	272,151	328,151
Construction		
01-D-416 Hanford waste treatment plant, Richland, WA.....	500,000	665,000
97-D-402 Tank farm restoration and safe operations, Richland, WA.....	33,473	33,473
94-D-407 Initial tank retrieval systems, Richland, WA.....	6,844	6,844
Subtotal, Construction.....	540,317	705,317
Subtotal, Office of River Protection.....	812,468	1,033,468
Total, Post 2006 completion.....	2,920,201	3,565,701
Science and technology.....	196,000	255,768
Excess facilities.....	1,300	5,000
Safeguards and security.....	205,621	205,621
Program direction.....	355,761	355,761
Subtotal, Defense environmental management.....	4,590,869	5,388,847
Use of prior year balances.....	-36,770	-56,770
General reduction.....	---	-92,110
Less security charge for reimbursable work.....	-5,391	-5,391
TOTAL, DEFENSE ENVIRON. RESTORATION AND WASTE MGMT	4,548,708	5,234,576

DEFENSE FACILITIES CLOSURE PROJECTS		
Site closure.....	1,004,636	1,038,903
Safeguards and security.....	45,902	53,975
TOTAL, DEFENSE FACILITIES CLOSURE PROJECTS.....	1,050,538	1,092,878

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION		
Privatization initiatives, various locations.....	141,537	153,537
TOTAL, DEFENSE ENVIRONMENTAL MANAGEMENT.....	5,740,783	6,480,991

OTHER DEFENSE ACTIVITIES		
Other national security programs		
Security and emergency operations		
Nuclear safeguards and security.....	121,188	116,500
Security investigations.....	44,927	44,927
Corporate management information program.....	20,000	10,000
Program direction.....	83,135	79,000
Subtotal, Security and emergency operations...	269,250	250,427

Department of Energy (in thousands)

	Budget Request	Conference
Intelligence.....	40,844	40,844
Counterintelligence.....	46,389	46,000
Advanced accelerator applications.....	---	50,000
Independent oversight and performance assurance		
Program direction.....	14,904	14,904
Environment, safety and health (Defense).....	91,307	95,688
Program direction - EH.....	23,293	22,000
Subtotal, Environment, safety & health (Defense)	114,600	117,688
Worker and community transition.....	21,246	18,000
Program direction - WT.....	3,200	2,000
Subtotal, Worker and community transition.....	24,446	20,000
National Security programs administrative support...	25,000	22,000
Office of hearings and appeals.....	2,893	2,893
Subtotal, Other defense activities.....	538,326	564,756
Use of prior year balances.....	-10,000	-20,000
Less security charge for reimbursable work.....	-712	-712
TOTAL, OTHER DEFENSE ACTIVITIES.....	527,614	544,044
DEFENSE NUCLEAR WASTE DISPOSAL		
Defense nuclear waste disposal.....	310,000	280,000
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES.....	13,355,167	14,538,500
POWER MARKETING ADMINISTRATIONS		
SOUTHEASTERN POWER ADMINISTRATION		
Operation and maintenance		
Purchase power and wheeling.....	34,463	34,463
Program direction.....	4,891	4,891
Subtotal, Operation and maintenance.....	39,354	39,354
Offsetting collections.....	-34,463	-8,000
Offsetting collections (P.L. 106-377).....	---	-26,463
TOTAL, SOUTHEASTERN POWER ADMINISTRATION.....	4,891	4,891
SOUTHWESTERN POWER ADMINISTRATION		
Operation and maintenance		
Operating expenses.....	3,339	3,339
Purchase power and wheeling.....	1,800	1,800
Program direction.....	18,668	18,668
Construction.....	6,031	6,031
Subtotal, Operation and maintenance.....	29,838	29,838
Offsetting collections.....	-1,800	-1,512
Offsetting collections (P.L. 106-377).....	---	-288
TOTAL, SOUTHWESTERN POWER ADMINISTRATION.....	28,038	28,038

Department of Energy (in thousands)

	Budget Request	Conference

WESTERN AREA POWER ADMINISTRATION		
Operation and maintenance		
Construction and rehabilitation.....	16,064	18,764
System operation and maintenance.....	37,796	37,796
Purchase power and wheeling.....	186,124	186,124
Program direction.....	114,378	109,378
Utah mitigation and conservation.....	1,227	6,000
Subtotal, Operation and maintenance.....	355,589	358,062
Offsetting collections.....	-186,124	-152,624
Offsetting collections (P.L. 106-377).....	---	-33,500
TOTAL, WESTERN AREA POWER ADMINISTRATION.....	169,465	171,938
	=====	=====
FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND		
Operation and maintenance.....	2,663	2,663
	=====	=====
TOTAL, POWER MARKETING ADMINISTRATIONS.....	205,057	207,530
	=====	=====
FEDERAL ENERGY REGULATORY COMMISSION		
Federal energy regulatory commission.....	181,155	184,155
FERC revenues.....	-181,155	-184,155
TOTAL, FEDERAL ENERGY REGULATORY COMMISSION.....	---	---
	=====	=====
GRAND TOTAL, DEPARTMENT OF ENERGY.....	18,106,554	19,501,126
	=====	=====
ENERGY AND WATER DEVELOPMENT ACCOUNTS		
Energy programs:		
Energy supply.....	544,245	666,726
Non-defense environmental management.....	228,553	236,372
Uranium facilities maintenance and remediation.....	363,425	418,425
Science.....	3,159,890	3,233,100
Nuclear waste disposal.....	134,979	95,000
Departmental administration.....	221,618	210,853
Revenues.....	-137,810	-137,810
Total, Departmental administration.....	83,808	73,043
Office of the Inspector General.....	31,430	32,430
Total, Energy programs.....	4,546,330	4,755,096
	-----	-----
Environmental restoration and waste management:		
Defense function.....	(5,740,783)	(6,480,991)
Non-defense function.....	(591,978)	(654,797)
Total, Environmental restoration and waste mgmt... ..	(6,332,761)	(7,135,788)

Department of Energy (in thousands)

	Budget Request	Conference

Atomic energy defense activities:		
National Nuclear Security Administration:		
Weapons activities.....	5,300,025	5,429,238
Defense nuclear nonproliferation.....	773,700	803,586
Naval reactors.....	688,045	688,045
Office of the Administrator.....	15,000	312,596
Subtotal, National Nuclear Security Admin.....	6,776,770	7,233,465
Defense environmental restoration and waste mgmt....	4,548,708	5,234,576
Defense facilities closure projects.....	1,050,538	1,092,878
Defense environmental management privatization.....	141,537	153,537
Subtotal, Defense environmental management.....	5,740,783	6,480,991
Other defense activities.....	527,614	544,044
Defense nuclear waste disposal.....	310,000	280,000
Total, Atomic energy defense activities.....	13,355,167	14,538,500
Power marketing administrations:		
Southeastern Power Administration.....	4,891	4,891
Southwestern Power Administration.....	28,038	28,038
Western Area Power Administration.....	169,465	171,938
Falcon and Amistad operating and maintenance fund...	2,663	2,663
Total, Power marketing administrations.....	205,057	207,530
Federal Energy Regulatory Commission:		
Salaries and expenses.....	181,155	184,155
Revenues.....	-181,155	-184,155
Total, Federal Energy Regulatory Commission.....	---	---
=====		
Defense Nuclear Waste Disposal (rescission).....	---	---
Defense environmental privatization (rescission).....	---	---
=====		
TOTAL, ENERGY AND WATER DEVELOPMENT ACCOUNTS.....	18,106,554	19,501,126
=====		

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

The conference agreement includes \$71,290,000 for the Appalachian Regional Commission as proposed by the House instead of \$66,290,000 as proposed by the Senate. The conferees support the Appalachian-Turkish Trade Project to promote trade and investment opportunities. Funding of \$5,000,000 has been provided for a child development research center at the University of Alabama.

From within available funds, the conferees have provided \$250,000 for the University of Georgia to conduct a study to determine the feasibility of creating a commission to carry out a comprehensive program of economic and human resource development of the so-called Black Belt Region.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
SALARIES AND EXPENSES

The conference agreement includes \$18,500,000 for the Defense Nuclear Facilities Safety Board as proposed by the House and Senate.

DELTA REGIONAL AUTHORITY
SALARIES AND EXPENSES

The conference agreement includes \$10,000,000 for the Delta Regional Authority instead of \$20,000,000 as proposed by the Senate and no funding as proposed by the House. The conferees expect the Authority to submit quarterly financial reports providing detailed accounting data on the expenditure of funds during fiscal year 2002 and thereafter. The conferees also expect to receive from the Authority a detailed budget justification if funds are requested in fiscal year 2003.

DENALI COMMISSION

The conference agreement includes \$38,000,000 for the Denali Commission instead of \$40,000,000 as proposed by the Senate and no funding as proposed by the House. The conferees expect the Denali Commission to submit quarterly financial reports providing detailed accounting data on the expenditure of funds during fiscal year 2002 and thereafter. The conferees also expect to receive from the Commission a detailed budget justification if funds are requested in fiscal year 2003.

NUCLEAR REGULATORY COMMISSION
SALARIES AND EXPENSES

The conference agreement includes \$516,900,000 as proposed by the House and the Senate, to be offset by revenues of \$473,520,000, as proposed by the House, for a net appropriation of \$43,380,000. This reflects the statutory language adopted by the conference in the prior fiscal year to reduce the fee recovery requirement to 96 percent in fiscal year 2002. The conference amount provides an increase of \$10,000,000 over the budget request, with the standard formula for fee recovery being applied to this added increment of funding.

The conference agreement includes language prohibiting the implementation or enforcement of the revised 10 C.F.R. Part 35, as adopted by the Nuclear Regulatory Commission on October 23, 2000, with respect to diagnostic nuclear medicine, except for those parts of the new rule which establish revised training and experience requirements for persons seeking licensing as authorized users, until after the Commission has provided a report to the House and Senate Committees on Appropriations explaining why the regulatory burden could not be reduced further in the new rule without adversely affecting public health and safety. The conferees direct the Commission to submit this report not later than January 31, 2002. The

language included in the conference agreement is only an interim measure until a more permanent solution can be reached, either by the authorization committees or through a revised rulemaking.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$6,180,000 as proposed by the House, to be offset by revenues of \$5,933,000, for a net appropriation of \$247,000. This reflects the statutory language adopted by the conference in the prior fiscal year to reduce the fee recovery requirement to 96 percent in fiscal year 2002.

NUCLEAR WASTE TECHNICAL REVIEW BOARD
SALARIES AND EXPENSES

The conference agreement provides \$3,100,000 as proposed by the House instead of \$3,500,000 as proposed by the Senate.

TITLE V

GENERAL PROVISIONS

Sec. 501. The conference agreement includes language directing that none of the funds in this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 502. The conference agreement includes language regarding the purchase of American-made equipment and products, and prohibiting contracts with persons falsely labeling products as made in America. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 503. The conference agreement modifies language proposed by the Senate to require the Secretary of the Army to conduct a study on the environmental effects of oil and gas drilling in the Great Lakes and prohibit Federal and State issuance of permits or leases for new drilling from October 1, 2001 through September 30, 2003.

Provisions not adopted.—The conference agreement deletes Section 503 of the House bill providing that no funds may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit of the Central Valley Project until certain conditions are met. This provision has been moved to Title II of the bill as proposed by the Senate.

The conference agreement deletes Section 505 of the House bill pertaining to the Buy American Act.

The conference agreement deletes Section 506 of the House bill prohibiting the use of funds to drill for gas and oil in the Mosquito Creek Reservoir in Ohio.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2002 recommended by the Committee of Conference, with comparisons to the fiscal year 2001 amount, the 2002 budget estimates, and the House and Senate bills for 2002 follow:

	[In thousands of dollars]	
New budget (obligational) authority, fiscal year 2001		\$24,512,565
Budget estimates of new (obligational) authority, fiscal year 2002	23,008,002	
House bill, fiscal year 2002	24,195,000	
Senate bill, fiscal year 2002	25,448,837	
Conference agreement, fiscal year 2002	25,086,000	
Conference agreement compared with:		
New budget (obligational) authority, fiscal year 2001		+573,435

Budget estimates of new (obligational) authority, fiscal year 2002	+2,077,998
House bill, fiscal year 2002	+891,000
Senate bill, fiscal year 2002	-362,837

SONNY CALLAHAN,
HAROLD ROGERS,
RODNEY P.

FRELINGHUYSEN,
TOM LATHAM,
ROGER F. WICKER,
ZACH WAMP,
JO ANN EMERSON,
JOHN T. DOOLITTLE,
BILL YOUNG,
PETER J. VISCLOSKEY,
ED PASTOR,
JAMES E. CLYBURN,
LUCILLE ROYBAL-ALLARD,

Managers on the Part of the House.

PETE V. DOMENICI,
THAD COCHRAN,
MITCH MCCONNELL,
ROBERT F. BENNETT,
CONRAD BURNS,
LARRY CRAIG,
TED STEVENS,
HARRY REID,
ROBERT C. BYRD,
FRITZ HOLLINGS,
PATTY MURRAY,
BYRON L. DORGAN,
DIANNE FEINSTEIN,
TOM HARKIN,
DANIEL K. INOUE,

Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 2647,
LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2002

Mr. SHERWOOD submitted the following conference report and statement on the bill (H.R. 2647) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes:

CONFERENCE REPORT (H. REPT. 107-259)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2647) "making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 5.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

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

TITLE I—CONGRESSIONAL OPERATIONS
SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, \$10,000; the President Pro Tempore of the Senate, \$10,000; Majority Leader of the Senate, \$10,000; Minority Leader of the Senate, \$10,000; Majority Whip of the Senate, \$5,000; Minority Whip of the Senate, \$5,000; and Chairmen of the Majority and Minority Conference Committees,

\$3,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, \$3,000 for each Chairman; in all, \$62,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, \$15,000 for each such Leader; in all, \$30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, \$104,039,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, \$1,867,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, \$473,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, \$2,868,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, \$1,912,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, \$9,875,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, \$1,250,000 for each such committee; in all, \$2,500,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, \$618,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, \$1,275,000 for each such committee; in all, \$2,550,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, \$301,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, \$15,424,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, \$39,082,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, \$1,350,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, \$25,219,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, \$4,306,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, \$1,109,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, \$3,000; Sergeant at Arms and Doorkeeper of the Senate, \$3,000; Secretary for the Majority of the Senate, \$3,000; Secretary for the Minority of the Senate, \$3,000; in all, \$12,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96-304 and Senate Resolution 281, agreed to March 11, 1980, \$107,264,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, \$520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, \$8,571,000, of which \$7,000,000 shall remain available until expended.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, \$95,904,000, of which \$8,654,000 shall remain available until September 30, 2004, and of which \$11,354,000 shall remain available until expended.

MISCELLANEOUS ITEMS

For miscellaneous items, \$14,274,000, of which not more than \$3,000,000 may be made available for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) that the Senator will personally attend: Provided, That no funds for the purpose of such mailings shall be made available until the date of enactment of a statute authorizing the expenditure of funds for such purpose.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, \$270,494,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, \$300,000.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) Section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h-6(a)) is amended in the first sentence by striking "four individual consultants" and inserting "six individual consultants", and is amended in the second sentence by striking "one consultant" and inserting "not more than two individual consultants".

(b) This section shall apply with respect to fiscal year 2002 and each fiscal year thereafter.

SEC. 102. STUDENT LOAN REPAYMENT PROGRAM. (a) DEFINITIONS.—In this section:

(1) COMMITTEE.—The term "Committee" means the Committee on Rules and Administration of the Senate.

(2) ELIGIBLE EMPLOYEE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "eligible employee" means an individual—

(i) who is an employee of the Senate; and

(ii) whose rate of pay as an employee of the Senate, on the date on which such eligibility is determined, does not exceed the rate of basic pay for an employee for a position at ES-1 of the Senior Executive Schedule as provided for in subchapter VIII of chapter 53 of title 5, United States Code (including any locality pay adjustment applicable to the Washington, D.C.-Baltimore Maryland consolidated metropolitan statistical area).

(3) EMPLOYEE OF THE SENATE.—The term "employee of the Senate" has the meaning given the term in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301).

(4) EMPLOYING OFFICE.—The term "employing office" means the employing office, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), of an employee of the Senate.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Senate.

(6) STUDENT LOAN.—The term "student loan" means—

(A) a loan made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., or 1087aa et seq.); and

(B) a health education assistance loan made or insured under part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.), or under part E of title VIII of such Act (42 U.S.C. 297a et seq.).

(b) SENATE STUDENT LOAN REPAYMENT PROGRAM.—

(1) SERVICE AGREEMENTS.—

(A) IN GENERAL.—The head of an employing office and an eligible employee may enter into a written service agreement under which—

(i) the employing office shall agree to repay, by direct payments on behalf of the eligible employee, any student loan indebtedness of the eligible employee that is outstanding at the time the eligible employee and the employing office enter into the agreement, subject to this section; and

(ii) the eligible employee shall agree to complete the 1-year required period of employment described in subsection (c)(1) with the employing office in exchange for the student loan payments.

(B) CONTENTS OF SERVICE AGREEMENTS.—

(i) CONTENTS.—A service agreement under this paragraph shall contain—

(I) the start and end dates of the required period of employment covered by the agreement;

(II) the monthly amount of the student loan payments to be provided by the employing office;

(III) the employee's agreement to reimburse the Senate under the conditions set forth in subsection (d)(1);

(IV) disclosure of the program limitations provided for in subsection (d)(4) and paragraphs (2), (3), (6), and (7) of subsection (f);

(V) other terms to which the employing office and employee agree (such as terms relating to job responsibilities or job performance expectations); and

(VI) any other terms prescribed by the Secretary.

(ii) STANDARD SERVICE AGREEMENTS.—The Secretary shall establish standard service agreements for employing offices to use in carrying out this section.

(2) SUBMISSION OF AGREEMENTS.—On entering into a service agreement under this section, the employing office shall submit a copy of the service agreement to the Secretary.

(c) PROGRAM CONDITIONS.—

(1) PERIOD OF EMPLOYMENT.—The term of the required period of employment under a service agreement under this section shall be 1 year. On completion of the required period of employment under such a service agreement, the eligible employee and the employing office may enter into additional service agreements for successive 1-year periods of employment.

(2) AMOUNT OF PAYMENTS.—

(A) IN GENERAL.—The amount of student loan payments made under service agreements under this section on behalf of an eligible employee may not exceed—

(i) \$500 in any month; or

(ii) a total of \$40,000.

(B) PAYMENTS INCLUDED IN GROSS COMPENSATION LIMITATIONS.—Any student loan payment made under this section in any month may not result in the sum of the payment and the compensation of an employee for that month exceeding 1/25th of the applicable annual maximum gross compensation limitation under section 105(d)(2), (e), or (f) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61-1(d)(2), (e), or (f)).

(3) TIMING OF PAYMENTS.—Student loan payments made under this section under a service agreement shall begin the first day of the pay period after the date on which the agreement is signed and received by the Secretary, and shall be made on a monthly basis.

(d) LOSS OF ELIGIBILITY FOR STUDENT LOAN PAYMENTS AND OBLIGATION TO REIMBURSE.—

(1) **IN GENERAL.**—An employee shall not be eligible for continued student loan payments under a service agreement under this section and (except in a case in which an employee's duty is terminated under paragraph (2) or an employing office assumes responsibilities under paragraph (3)) shall reimburse the Senate for the amount of all student loan payments made on behalf of the employee under the agreement, if, before the employee completes the required period of employment specified in the agreement—

(A) the employee voluntarily separates from service with the employing office;

(B) the employee engages in misconduct or does not maintain an acceptable level of performance, as determined by the head of the employing office; or

(C) the employee violates any condition of the agreement.

(2) **TERMINATION OF AGREEMENT.**—The duty of an eligible employee to fulfill the required period of employment under the service agreement shall be terminated if—

(A) funds are not made available to cover the cost of the student loan repayment program carried out under this section; or

(B) the employee and the head of the employing office involved mutually agree to terminate the service agreement under subsection (f)(7).

(3) **ANOTHER EMPLOYING OFFICE.**—An employing office who hires an eligible employee during a required period of employment under such a service agreement may assume the remaining obligations (as of the date of the hiring) of the employee's prior employing office under the agreement.

(4) **FAILURE OF EMPLOYEE TO REIMBURSE.**—If an eligible employee fails to reimburse the Senate for the amount owed under paragraph (1), such amount shall be collected—

(A) under section 104(c) of the Legislative Appropriation Act, 1977 (2 U.S.C. 60c-2a(c)) or section 5514 of title 5, United States Code, if the eligible employee is employed by any other office of the Senate or agency of the Federal Government; or

(B) under other applicable provisions of law if the eligible employee is not employed by any other office of the Senate or agency of the Federal Government.

(5) **CREDITING OF AMOUNTS.**—Any amount repaid by, or recovered from, an eligible employee under this section shall be credited to the subaccount for the employing office from which the amount involved was originally paid. Any amount so credited shall be merged with other sums in such subaccount for the employing office and shall be available for the same purposes, and subject to the same limitations (if any), as the sums with which such amount is merged.

(e) RECORDS AND REPORTS.—

(1) **IN GENERAL.**—Not later than January 1, 2003, and each January 1 thereafter, the Secretary shall prepare and submit to the Committee on Rules and Administration of the Senate and the Committee on Appropriations of the Senate, a report for the fiscal year preceding the fiscal year in which the report is submitted, that contains information specifying—

(A) the number of eligible employees that received student loan payments under this section; and

(B) the costs of such payments, including—

(i) the amount of such payments made for each eligible employee;

(ii) the amount of any reimbursement amounts for early separation from service or whether any waivers were provided with respect to such reimbursements; and

(iii) any other information determined to be relevant by the Committee on Rules and Administration of the Senate or the Committee on Appropriations of the Senate.

(2) **CONFIDENTIALITY.**—Such report shall not include any information which is considered

confidential or could disclose the identify of individual employees or employing offices. Information required to be contained in the report of the Secretary under section 105(a) of the Legislative Branch Act, 1965 (2 U.S.C. 104a) shall not be considered to be personal information for purposes of this paragraph.

(f) OTHER ADMINISTRATIVE MATTERS.—**(1) ACCOUNT.—**

(A) **IN GENERAL.**—The Secretary shall establish and maintain a central account from which student loan payments available under this section shall be paid on behalf of eligible employees.

(B) **OFFICE SUBACCOUNTS.**—The Secretary shall ensure that, within the account established under subparagraph (A), a separate subaccount is established for each employing office to be used by each such office to make student loan payments under this section. Such student loan payments shall be made from any funds available to the employing office for student loan payments that are contained in the subaccount for the office.

(C) **LIMITATION.**—Amounts in each subaccount established under this paragraph shall not be made available for any purpose other than to make student loan payments under this section.

(2) **BEGINNING OF PAYMENTS.**—Student loan payments may begin under this section with respect to an eligible employee upon—

(A) the receipt by the Secretary of a signed service agreement; and

(B) verification by the Secretary with the holder of the loan that the eligible employee has an outstanding student loan balance that qualifies for payment under this section.

(3) **LIMITATION.**—Student loan payments may be made under this section only with respect to the amount of student loan indebtedness of the eligible employee that is outstanding on the date on which the employee and the employing office enter into a service agreement under this section. Such payments may not be made under this section on a student loan that is in default or arrears.

(4) **PAYMENT ON MULTIPLE LOANS.**—Student loan payments may be made under this section with respect to more than 1 student loan of an eligible employee at the same time or separately, if the total payments on behalf of such employee do not exceed the limits under subsection (c)(2)(A).

(5) **TREATMENT OF PAYMENTS.**—Student loan payments made on behalf of an eligible employee under this section shall be in addition to any basic pay and other forms of compensation otherwise payable to the eligible employee, and shall be subject to withholding for income and employment tax obligations as provided for by law.

(6) **NO RELIEF FROM LIABILITY.**—An agreement to make student loan payments under this section shall not exempt an eligible employee from the responsibility or liability of the employee with respect to the loan involved and the eligible employee shall continue to be responsible for making student loan payments on the portion of any loan that is not covered under the terms of the service agreement.

(7) **REDUCTION IN PAYMENTS.**—Notwithstanding the terms of a service agreement under this section, the head of an employing office may reduce the amount of student loan payments made under the agreement if adequate funds are not available to such office. If the head of the employing office decides to reduce the amount of student loan payments for an eligible employee, the head of the office and the employee may mutually agree to terminate the service agreement.

(8) **NO RIGHT TO CONTINUED EMPLOYMENT.**—A service agreement under this section shall not be construed to create a right to, promise of, or entitlement to the continued employment of the eligible employee.

(9) **NO ENTITLEMENT.**—A student loan payment under this section shall not be construed to be an entitlement for any eligible employee.

(10) **TREATMENT OF PAYMENTS.**—A student loan payment under this section—

(A) shall not be basic pay of an employee for purposes of chapters 83 and 84 of title 5, United States Code (relating to retirement) and chapter 87 of such title (relating to life insurance coverage); and

(B) shall not be included in Federal wages for purposes of chapter 85 of such title (relating to unemployment compensation).

(g) ALLOCATION OF FUNDS.—

(1) **MAXIMUM AMOUNT.**—In this subsection, the term "maximum amount", used with respect to a fiscal year, means—

(A) in the case of an employing office described in subsection (i)(1)(A), the amount described in that subsection for that fiscal year; and

(B) in the case of an employing office described in subsection (i)(1)(B), the amount described in that subsection for that fiscal year.

(2) **ALLOCATION.**—From the total amount made available to carry out this section for a fiscal year, there shall be allocated to each employing office for that fiscal year—

(A) the maximum amount for that employing office for that fiscal year; or

(B) if the total amount is not sufficient to provide the maximum amount to each employing office, an amount that bears the same relationship to the total amount as the maximum amount for that employing office for that fiscal year bears to the total of the maximum amounts for all employing offices for that fiscal year.

(3) **APPORTIONMENT.**—In the case of an employing office that is a Committee of the Senate, the funds allocated under this subsection shall be apportioned between the majority and minority staff of the committee in the same manner as amounts are apportioned between the staffs for salaries.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) **IN GENERAL.**—There are authorized to be appropriated (or otherwise made available from appropriations) to carry out this section the following amounts for each fiscal year:

(A) For each employing office that is the personal office of a Senator, an amount equal to 2 percent of the total sums appropriated for the fiscal year involved for administrative and clerical salaries for such office.

(B) For each other employing office, an amount equal to 2 percent of the total sums appropriated for the fiscal year involved for salaries for such office.

(2) **LIMITATION.**—Amounts provided under this section shall be subject to annual appropriations.

(i) **EFFECTIVE DATE.**—This section shall apply to fiscal year 2002 and each fiscal year thereafter.

SEC. 103. (a) Agency contributions for employees whose salaries are disbursed by the Secretary of the Senate from the appropriations account "Expenses of the United States Senate Caucus on International Narcotics Control" under the heading "Congressional Operations" shall be paid from the Senate appropriations account for "Salaries, Officers and Employees".

(b) This section shall apply to pay periods beginning on or after October 1, 2001.

SEC. 104. (a) Section 5(a) under the subheading "ADMINISTRATIVE PROVISIONS" under the heading "SENATE" under title I of the Legislative Branch Appropriations Act, 1996 (2 U.S.C. 58a note) is amended by striking "invoice ends" and inserting "invoice begins".

(b) The amendment made by subsection (a) shall take effect on October 1, 2001, and shall apply to base service periods beginning on or after that date.

SEC. 105. (a) Section 120 of Public Law 97-51 (2 U.S.C. 61g-6) is amended in the first sentence by striking "\$75,000" and inserting "\$100,000".

(b) This section shall apply with respect to fiscal year 2002 and each fiscal year thereafter.

SEC. 106. Effective on and after October 1, 2001, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61-1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2001, increased by an additional \$50,000 each.

SEC. 107. TRANSFERS FROM SENATE GIFT SHOP TO PRESERVATION FUND. (a) IN GENERAL.—Section 2(c) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 121d(c)) is amended—

(1) by inserting “(1)” after “(c)”; and

(2) by adding at the end the following:

“(2) The Secretary of the Senate may transfer from the fund to the Capitol Preservation Fund the net profits (as determined by the Secretary) from sales of items by the Senate Gift Shop which are intended to benefit the Capitol Visitor Center.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal years beginning before, on, or after the date of enactment of this Act.

SEC. 108. PROVISIONS RELATING TO SENATE COMMISSION ON ART. (a) MAINTENANCE OF OLD SUPREME COURT CHAMBER.—Section 3 of Senate Resolution 382 (90th Congress) (40 U.S.C. 188b-2) is amended by striking “insofar as it” and inserting “and of the Old Supreme Court Chamber insofar as each”.

(b) TECHNICAL AMENDMENTS.—Section 5 of Senate Resolution 382 (90th Congress) (40 U.S.C. 188b-4) is amended—

(1) by striking “the sum of \$15,000 each fiscal year,” and inserting “such amount as may be necessary each fiscal year;” and

(2) by striking “the Chairman or Vice Chairman of the Commission” and inserting “the Executive Secretary of the Commission and approved by the Committee on Rules and Administration of the Senate”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal year 2002 and all succeeding fiscal years.

SEC. 109. PROCUREMENT OF TEMPORARY HELP. (a) IN GENERAL.—(1) Subject to regulations that the Committee on Rules and Administration of the Senate may prescribe, the Secretary of the Senate and the Sergeant at Arms and Doorkeeper of the Senate may procure temporary help services from a private sector source that offers such services. Each procurement of services under this subsection shall be for no longer than 30 days.

(2) A person performing services procured under paragraph (1) shall not, during the period of the performance of the services, be an employee of the United States or be considered to be an employee of the United States for any purpose.

(b) This section shall take effect on October 1, 2001, and shall apply in fiscal year 2002 and successive fiscal years.

SEC. 110. Section 311(d) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 59a(d)) is amended in the matter preceding paragraph (1) by inserting “in the House, or official expenses for franked mail, employee salaries, office space, furniture, or equipment and any associated information technology services (excluding handheld communications devices) in the Senate” after “expenses”.

SEC. 111. The amount available to the Committee on Rules and Administration for expenses under section 14(c) of Senate Resolution 54, agreed to March 8, 2001, is increased by \$150,000.

SEC. 112. TRANSPORTATION SUBSIDY FOR EMPLOYEES OF THE SENATE.

(a) DEFINITIONS.—In this section, the term—

(1) “employee of the Senate”—

(A) means any employee whose pay is disbursed by the Secretary of the Senate; and

(B) does not include a member or civilian employee of the Capitol Police; and

(2) “employing office” means the employing office, as defined under section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), of an employee of the Senate.

(b) TRANSPORTATION SUBSIDY.—An employing office may provide a monthly transportation subsidy to an employee of the Senate up to the maximum monthly amount authorized under section 132(f)(2)(A) of the Internal Revenue Code of 1986.

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Deborah Williams Spence, Floyd D. Spence Jr., Zachariah W. Spence, Benjamin G. Spence and Caldwell D. Spence, widow and children of Floyd Spence, late a Representative from the State of South Carolina, \$145,100.

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, \$878,050, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, \$15,910,000, including: Office of the Speaker, \$1,866,000, including \$25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, \$1,830,000, including \$10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, \$2,224,000, including \$10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, \$1,562,000, including \$5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, \$1,168,000, including \$5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, \$431,000; Republican Steering Committee, \$806,000; Republican Conference, \$1,342,000; Democratic Steering and Policy Committee, \$1,435,000; Democratic Caucus, \$713,000; nine minority employees, \$1,293,000; training and program development—majority, \$290,000; training and program development—minority, \$290,000; Cloakroom Personnel—majority, \$330,000; and Cloakroom Personnel—minority, \$330,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, \$479,472,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, \$104,514,000: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2002.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, \$23,002,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2002.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, \$101,766,000, including: for salaries and expenses of the Office of the Clerk, including not more than \$11,000, of which not more than \$10,000 is for the Family Room, for official representation and reception expenses, \$15,408,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than \$750 for official representation and reception expenses, \$4,139,000; for salaries and expenses of the Office of the Chief Administrative Officer, \$67,495,000, of which \$3,525,000 shall remain available until expended, including \$31,510,000

for salaries, expenses and temporary personal services of House Information Resources, of which \$31,390,000 is provided herein: Provided, That of the amount provided for House Information Resources, \$8,656,000 shall be for net expenses of telecommunications: Provided further, That House Information Resources is authorized to receive reimbursement from Members of the House of Representatives and other governmental entities for services provided and such reimbursement shall be deposited in the Treasury for credit to this account; for salaries and expenses of the Office of the Inspector General, \$3,756,000; for salaries and expenses of the Office of General Counsel, \$894,000; for the Office of the Chaplain, \$144,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and \$2,000 for preparing the Digest of Rules, \$1,344,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, \$2,107,000; for salaries and expenses of the Office of the Legislative Counsel of the House, \$5,456,000; for salaries and expenses of the Corrections Calendar Office, \$883,000; and for other authorized employees, \$140,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, \$157,436,000, including: supplies, materials, administrative costs and Federal tort claims, \$3,379,000; official mail for committees, leadership offices, and administrative offices of the House, \$410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, \$152,957,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, inter-parliamentary receptions, and gratuities to heirs of deceased employees of the House, \$690,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 113. (a) Effective October 1, 2001, the following four majority positions shall be transferred from the Clerk to the Speaker:

(1) The position of chief of floor service.

(2) Two positions of assistant floor chief.

(3) One position of cloakroom attendant.

(b) Effective October 1, 2001, the following four minority positions shall be transferred from the Clerk to the minority leader:

(1) The position of chief of floor service.

(2) Two positions of assistant floor chief.

(3) One position of cloakroom attendant.

(c) Notwithstanding any other provision of law, in the case of an individual who is an incumbent of a position transferred under subsection (a) or subsection (b) at the time of the transfer, the total number of days of annual leave and the total number of days of sick leave which were provided by the Clerk to the individual and which remain unused as of the date of the transfer shall remain available for the individual to use after the transfer.

SEC. 114. (a) The third sentence of section 104(a)(1) of the Legislative Branch Appropriations Act, 1987 (as incorporated by reference in section 101(j) of Public Law 99-500 and Public Law 99-591) (2 U.S.C. 117e(1)) is amended by striking “for credit to the appropriate account” and all that follows and inserting the following: “for credit to the appropriate account of the House of Representatives, and shall be available for expenditure in accordance with applicable law. For purposes of the previous sentence, in the case of receipts from the sale or disposal of any audio or video transcripts prepared by the

House Recording Studio, the 'appropriate account of the House of Representatives' shall be the account of the Chief Administrative Officer of the House of Representatives."

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 115. (a) **REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.**—Notwithstanding any other provision of law, any amounts appropriated under this Act for "HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES" shall be available only for fiscal year 2002. Any amount remaining after all payments are made under such allowances for fiscal year 2002 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) **REGULATIONS.**—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) **DEFINITION.**—As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 116. (a) **DAY FOR PAYING SALARIES OF THE HOUSE OF REPRESENTATIVES.**—The usual day for paying salaries in or under the House of Representatives shall be the last day of each month, except that if the last day of a month falls on a Saturday, Sunday, or a legal public holiday, the Chief Administrative Officer of the House of Representatives shall pay such salaries on the first weekday which precedes the last day.

(b) **CONFORMING AMENDMENT.**—(1) The first section and section 2 of the Joint Resolution entitled "Joint resolution authorizing the payment of salaries of the officers and employees of Congress for December on the 20th day of that month each year", approved May 21, 1937 (2 U.S.C. 60d and 60e), are each repealed.

(2) The last paragraph under the heading "Contingent Expense of the House" in the First Deficiency Appropriation Act, 1946 (2 U.S.C. 60e-1), is repealed.

(c) **EFFECTIVE DATE.**—This section and the amendments made by this section shall apply with respect to pay periods beginning after the expiration of the 1-year period which begins on the date of the enactment of this Act.

SEC. 117. (a) The aggregate amount otherwise authorized to be appropriated for a fiscal year for the lump-sum allowance for the Office of the Speaker of the House of Representatives shall be increased by \$40,000.

(b) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 118. (a) Effective with respect to fiscal year 2002 and each succeeding fiscal year, there are hereby established 2 additional positions in each of the following offices of the House of Representatives:

(1) The Office of the Clerk.

(2) The Office of the Chief Administrative Officer.

(3) The Office of the Sergeant at Arms.

(b) The duty of the personnel appointed to a position established under this section shall be to ensure the continuity of the operations of the House of Representatives during periods of emergency, in accordance with the direction of the head of the office in which the position is established.

(c) The annual rate of pay provided for a position established under this section shall be determined by the head of the office in which the position is established.

(d) Notwithstanding any other provision of law, the head of the office in which a position is established under this section shall have the

exclusive authority to appoint personnel to such a position.

SEC. 119. (a) Section 408 of the Congressional Accountability Act of 1995 (2 U.S.C. 1408) is amended by adding at the end the following new subsection:

"(d) **APPEARANCES BY HOUSE EMPLOYMENT COUNSEL.**—

"(1) **IN GENERAL.**—The House Employment Counsel of the House of Representatives and any other counsel in the Office of House Employment Counsel of the House of Representatives, including any counsel specially retained by the Office of House Employment Counsel, shall be entitled, for the purpose of providing legal assistance and representation to employing offices of the House of Representatives under this Act, to enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof without compliance with any requirements for admission to practice before such court, except that the authorization conferred by this paragraph shall not apply with respect to the admission of any such person to practice before the United States Supreme Court.

"(2) **HOUSE EMPLOYMENT COUNSEL DEFINED.**—In this subsection, the term 'Office of House Employment Counsel of the House of Representatives' means—

"(A) the Office of House Employment Counsel established and operating under the authority of the Clerk of the House of Representatives as of the date of the enactment of this subsection;

"(B) any successor office to the Office of House Employment Counsel which is established after the date of the enactment of this subsection; and

"(C) any other person authorized and directed in accordance with the Rules of the House of Representatives to provide legal assistance and representation to employing offices of the House of Representatives in connection with actions brought under this title."

(b) The amendment made by this section shall apply with respect to proceedings occurring on or after the date of the enactment of this Act.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, \$3,424,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, \$6,733,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of \$1,500 per month to the Attending Physician; (2) an allowance of \$500 per month each to three medical officers while on duty in the Office of the Attending Physician; (3) an allowance of \$500 per month to two assistants and \$400 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) \$1,253,904 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, \$1,865,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol

Police, including overtime, hazardous duty pay differential, clothing allowance of not more than \$600 each for members required to wear civilian attire, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, \$113,044,000, of which \$55,239,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House, and \$57,805,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: Provided, That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, not more than \$2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and \$85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms and Doorkeeper of the Senate or the Sergeant at Arms of the House of Representatives designated by the Chairman of the Board, \$13,146,000, to be disbursed by the Capitol Police Board or their delegate: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2002 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISIONS

SEC. 120. Amounts appropriated for fiscal year 2002 for the Capitol Police Board for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms of the House of Representatives under the heading "SALARIES";

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms and Doorkeeper of the Senate under the heading "SALARIES"; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

SEC. 121. At any time on or after the date of the enactment of this Act, the United States Capitol Police may accept contributions of meals and refreshments in support of activities of the United States Capitol Police during a period of emergency (as determined by the Capitol Police Board).

SEC. 122. (a) Section 108(a)(4) of the Legislative Branch Appropriations Act, 2001, as amended by section 507(a) of the Department of Transportation and Related Agencies Appropriations Act, 2001 (as enacted into law by reference in section 101(a) of Public Law 106-346), is amended by striking "the Capitol Police Board" and all that follows and inserting the following: "the Chief of the Capitol Police, but not to exceed \$1,000 less than the annual rate of pay for the Chief of the Capitol Police."

(b) The amendment made by subsection (a) shall apply with respect to pay periods beginning on or after October 1, 2001.

SEC. 123. Any obligation or expenditure of funds made prior to the date of enactment of this Act by the House of Representatives or the Capitol Police Board for meals, refreshments, and other support and maintenance in response to a biological or other threat made after September 11, 2001 shall be deemed to have been made in compliance with sections 1301 and 1341 of title 31, United States Code.

SEC. 124. At any time on or after the date of enactment of this Act, the Capitol Police Board may incur obligations and make expenditures out of available appropriations for meals, refreshments and other support and maintenance for the Capitol Police when, in the judgment of the Capitol Police Board, such obligations and expenditures are necessary to respond to emergencies involving the safety of human life or the protection of property.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, \$2,512,000, to be disbursed by the Secretary of the Senate: Provided, That no part of such amount may be used to employ more than 43 individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the One Hundred Seventh Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, \$30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), \$2,059,000, of which \$254,000 shall remain available until September 30, 2003.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), including not more than \$3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, \$30,780,000: Provided, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ADMINISTRATIVE PROVISIONS

SEC. 125. (a) The Director of the Congressional Budget Office may, by regulation, make applicable such provisions of chapter 41 of title 5, United States Code, as the Director determines necessary to provide hereafter for training of individuals employed by the Congressional Budget Office.

(b) The implementing regulations shall provide for training that, in the determination of the Director, is consistent with the training provided by agencies subject to chapter 41 of title 5, United States Code.

(c) Any recovery of debt owed to the Congressional Budget Office under this section and its implementing regulations shall be credited to the appropriations account available for salaries and expenses of the Office at the time of recovery.

(d) This section shall apply to fiscal year 2002 and each fiscal year thereafter.

SEC. 126. Section 105(a) of the Legislative Branch Appropriations Act, 1997 (2 U.S.C.

606(a)), is amended by striking "or discarding," and inserting "sale, trade-in, or discarding," and by adding at the end the following: "Amounts received for the sale or trade-in of personal property shall be credited to funds available for the operations of the Congressional Budget Office and be available for the costs of acquiring the same or similar property. Such funds shall be available for such purposes during the fiscal year in which received and the following fiscal year."

SEC. 127. (a) The Director of the Congressional Budget Office may, in order to recruit or retain qualified personnel, establish and maintain hereafter a program under which the Office may agree to repay (by direct payments on behalf of the employee) all or a portion of any student loan previously taken out by such employee.

(b) The Director may, by regulation, make applicable such provisions of section 5379 of title 5, United States Code as the Director determines necessary to provide for such program.

(c) The regulations shall provide the amount paid by the Office may not exceed—

(1) \$6,000 for any employee in any calendar year; or

(2) a total of \$40,000 in the case of any employee.

(d) The Office may not reimburse an employee for any repayments made by such employee prior to the Office entering into an agreement under this section with such employee.

(e) Any amount repaid by, or recovered from, an individual under this section and its implementing regulations shall be credited to the appropriation account available for salaries and expenses of the Office at the time of repayment or recovery.

(f) This section shall apply to fiscal year 2002 and each fiscal year thereafter.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For salaries for the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than \$1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle; and not to exceed \$20,000 for attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, \$51,371,000, of which \$3,026,000 shall remain available until September 30, 2006.

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol, \$15,194,000, of which \$3,080,000 shall remain available until September 30, 2006.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, \$6,009,000.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, \$42,126,000, of which \$3,760,000 shall remain available until September 30, 2006.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, \$54,006,000, of which \$23,344,000 shall remain available until September 30, 2006.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, \$52,583,000, of which \$8,013,000 shall remain available until September 30, 2006: Provided, That not more than \$4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2002.

ADMINISTRATIVE PROVISIONS

SEC. 128. ACQUISITION OF PROPERTY BY ARCHITECT OF THE CAPITOL.—Notwithstanding any other provision of law and subject to the availability of appropriations, the Architect of the Capitol is authorized to secure, through multi-year rental, lease, or other appropriate agreement, the property located at 67 K Street, S.W., Washington, D.C., for use of Legislative Branch agencies, and to incur any necessary incidental expenses including maintenance, alterations, and repairs in connection therewith: Provided, That in connection with the property referred to under the preceding proviso, the Architect of the Capitol is authorized to expend funds appropriated to the Architect of the Capitol for the purpose of the operations and support of Legislative Branch agencies, including the United States Capitol Police, as may be required for that purpose.

SEC. 129. (a) COMPENSATION OF ARCHITECT OF THE CAPITOL.—Section 203(c) of the Federal Legislative Salary Act of 1964 (40 U.S.C. 162a) is amended by striking "the annual rate of basic pay" and all that follows and inserting the following: "the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate."

(b) COMPENSATION OF ASSISTANT ARCHITECT OF THE CAPITOL.—Pursuant to the authority described in section 308(a) of the Legislative Branch Appropriations Act, 1988 (40 U.S.C. 166b-3a(a)), the pay for the position of assistant referred to in the proviso in the first undesignated paragraph under the center subheadings "OFFICE OF THE ARCHITECT OF THE CAPITOL" and "SALARIES" in the first section of the Legislative Branch Appropriation Act, 1971 (40 U.S.C. 164a) shall be an amount equal to \$1,000 less than the annual rate of pay for the Architect of the Capitol.

(c) COMPENSATION FOR CERTAIN OTHER POSITIONS.—

(1) IN GENERAL.—In accordance with the authority described in section 308(a) of the Legislative Branch Appropriations Act, 1988 (40 U.S.C. 166b-3a(a)), section 108 of the Legislative Branch Appropriations Act, 1991 (40 U.S.C. 166b-3b) is amended—

(A) by striking subsections (a) and (b) and inserting the following:

"(a) The Architect of the Capitol may fix the rate of basic pay for not more than 12 positions at a rate not to exceed the highest total rate of

pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved.”; and

(B) by redesignating subsection (c) as subsection (b).

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to pay periods beginning on or after the expiration of the 21-day period which begins on the date the Architect of the Capitol submits to the Committees on Appropriations of the House of Representatives and Senate a list containing the 12 positions for which the Architect will fix the rate of basic pay under the amendment, the rate of basic pay for each such position, and the job description for each such position.

(d) COMPREHENSIVE MANAGEMENT STUDY AND RESPONSE.—

(1) STUDY BY COMPTROLLER GENERAL.—Not later than November 1, 2002, the Comptroller General shall conduct a comprehensive management study of the operations of the Architect of the Capitol, and submit the study to the Architect of the Capitol and the Committees on Appropriations of the House of Representatives and Senate.

(2) PLAN BY ARCHITECT IN RESPONSE.—After the Comptroller General submits the study conducted under paragraph (1) to the Committees referred to in such paragraph, the Architect of the Capitol shall develop and submit to such Committees a management improvement plan which addresses the study and which indicates how the personnel for whom the Architect fixes the rate of basic pay under the amendment made by subsection (c)(1) will support such plan.

(e) EFFECTIVE DATE.—Except as provided in subsections (c)(2) and (d), this section and the amendments made by this section shall apply with respect to pay periods beginning on or after October 1, 2001.

SEC. 130. (a) LIQUIDATED DAMAGES.—The Architect of the Capitol may not enter into or administer any construction contract with a value greater than \$50,000 unless the contract includes a provision requiring the payment of liquidated damages in the amount determined under subsection (b) in the event that completion of the project is delayed because of the contractor.

(b) AMOUNT OF PAYMENT.—The amount of payment required under a liquidated damages provision described in subsection (a) shall be equal to the product of—

(1) the daily liquidated damage payment rate; and

(2) the number of days by which the completion of the project is delayed.

(c) DAILY LIQUIDATED DAMAGE PAYMENT RATE.—

(1) IN GENERAL.—In subsection (b), the “daily liquidated damage payment rate” means—

(A) \$140, in the case of a contract with a value greater than \$50,000 and less than \$100,000;

(B) \$200, in the case of a contract with a value equal to or greater than \$100,000 and equal to or less than \$500,000; and

(C) the sum of \$200 plus \$50 for each \$100,000 increment by which the value of the contract exceeds \$500,000, in the case of a contract with a value greater than \$500,000.

(2) ADJUSTMENT IN RATE PERMITTED.—Notwithstanding paragraph (1), the daily liquidated damage payment rate may be adjusted by the contracting officer involved to a rate greater or lesser than the rate described in such paragraph if the contracting officer makes a written determination that the rate described does not accurately reflect the anticipated damages which will be suffered by the United States as a result of the delay in the completion of the contract.

(d) EFFECTIVE DATE.—This section shall apply with respect to contracts entered into during fiscal year 2002 or any succeeding fiscal year.

SEC. 131. NOTWITHSTANDING ANY OTHER PROVISION OF LAW: (A) SECTION 3709 OF THE REVISED STATUTES (41 U.S.C. 5) SHALL APPLY WITH RE-

SPECT TO PURCHASES AND CONTRACTS FOR THE ARCHITECT OF THE CAPITOL AS IF THE REFERENCE TO ‘\$25,000’ IN CLAUSE 1 OF SUCH SECTION WERE A REFERENCE TO ‘\$100,000’ AND (B) THE ARCHITECT MAY PROCURE SERVICES, EQUIPMENT, AND CONSTRUCTION FOR SECURITY RELATED PROJECTS IN THE MOST EFFICIENT MANNER HE DETERMINES APPROPRIATE.

SEC. 132. ACCOUNTING AND FINANCIAL MANAGEMENT SYSTEM. The Architect of the Capitol shall develop and maintain an accounting and financial management system, including financial reporting and internal controls, which—

(1) complies with applicable federal accounting principles, standards, and requirements, and internal control standards;

(2) complies with any other requirements applicable to such systems; and

(3) provides for—

(A) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to financial information needs of the Architect of the Capitol;

(B) the development and reporting of cost information;

(C) the integration of accounting and budgeting information; and

(D) the systematic measurement of performance.

SEC. 133. (a) LIMITATION.—(1) Except as provided in paragraph (2), none of the funds provided by this Act or any other Act may be used by the Architect of the Capitol after the expiration of the 90-day period which begins on the date of the enactment of this Act to employ any individual as a temporary employee within a category of temporary employment which does not provide employees with the same eligibility for life insurance, health insurance, retirement, and other benefits which is provided to temporary employees who are hired for a period exceeding 1 year in length.

(2) Paragraph (1) shall not apply with respect to any of the following individuals:

(A) An individual who is employed under the Architect of the Capitol Summer Employment Program.

(B) An individual who is hired for a total of 120 days or less during any 5-year period (excluding any days in which the individual is employed under the Architect of the Capitol Summer Employment Program).

(C) An individual employed by the Architect of the Capitol as a temporary employee as of the date of the enactment of this Act who exercises in writing, not later than 90 days after such date, an option offered by the Architect to remain under the pay system (including benefits) provided for the individual as of such date.

(D) An individual who becomes employed by the Architect of the Capitol after the date of the enactment of this Act who exercises in writing, prior to the individual’s employment, an option offered by the Architect to receive pay and benefits under an alternative system which does not provide the benefits described in paragraph (1), except that under such an option the Architect shall be required to provide the individual with the benefits described in paragraph (1) as soon as the individual’s period of service as a temporary employee exceeds 1 year in length.

(3) Nothing in this subsection may be construed to require the Architect of the Capitol to provide duplicative benefits for any employee.

(b) ALLOTMENT AND ASSIGNMENT OF PAY.—(1) Section 5525 of title 5, United States Code, is amended by adding at the end the following new sentence: “For purposes of this section, the term ‘agency’ includes the Office of the Architect of the Capitol.”

(2) The amendment made by paragraph (1) shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

SEC. 134. CONGRESSIONAL AWARD YOUTH PARK.

(a) DESIGNATION.—The parcel of approximately 5 acres of land located on the Capitol

Grounds and described in subsection (b) shall be known and designated as the “Congressional Award Youth Park”.

(b) AREA INCLUDED.—

(1) IN GENERAL.—The parcel of land described in subsection (a) is—

(A) bounded on the north by Constitution Avenue, N.W.;

(B) bounded on the east by First Street, N.W.;

(C) bounded on the south by Pennsylvania Avenue, N.W.; and

(D) bounded on the west by Third Street N.W.

(2) EXTENSION.—The park shall extend to the curbs of the streets described in paragraph (1).

(c) DESIGN.—

(1) COMPETITION.—The Architect of the Capitol shall sponsor a competition for the design of the park, based on specifications developed by the Architect.

(2) SPECIFICATIONS.—

(A) IN GENERAL.—Not later than June 30, 2002, the Architect, in consultation with the majority leader and the minority leader of the Senate, and the Speaker and the minority leader of the House of Representatives, shall develop the specifications for the park.

(B) REQUIREMENTS.—

(i) IN GENERAL.—The specifications shall require an outdoor design that is accessible to the public.

(ii) INCLUSIONS.—To the maximum extent practicable, the specifications shall include requirements for—

(I) a fountain;

(II) extensive use of trees and flowering plants from each of the 50 States;

(III) large-scale replicas of the medals awarded under the Congressional Award Program; and

(IV) the inscription of the names of all Congressional Award recipients.

(3) SELECTION.—

(A) IN GENERAL.—As soon as practicable after the competition is completed, the Architect shall forward at least 3 designs, with recommendations, to the United States Capitol Preservation Commission.

(B) FINAL SELECTION.—The United States Capitol Preservation Commission shall select and approve the final design from among the 3 designs submitted under subparagraph (A).

(d) FUNDING.—Funds otherwise made available to the Architect of the Capitol under this Act shall be available to carry out this section.

SEC. 135. LIMITATION ON CERTAIN GIFTS AND EXPENDITURES RELATING TO THE NATIONAL GARDEN. Section 201 of the Legislative Branch Appropriations Act, 1993 (40 U.S.C. 216c note) is amended by striking “\$14,500,000” each place it appears and inserting “\$16,500,000”.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, \$81,454,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United

States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, \$81,000,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

This title may be cited as the "Congressional Operations Appropriations Act, 2002".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, \$5,646,000: Provided, That this appropriation shall not be available for any activities of the National Garden.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$306,692,000, of which not more than \$6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2002, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than \$350,000 shall be derived from collections during fiscal year 2002 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than the \$6,850,000: Provided further, That

of the total amount appropriated, \$15,824,474 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including \$40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: Provided further, That of the total amount appropriated, \$1,517,903 is to remain available until expended for the acquisition and partial support for implementation of an Integrated Library System (ILS): Provided further, That of the total amount appropriated, \$7,100,000 is to remain available until expended for the purpose of teaching educators how to incorporate the Library's digital collections into school curricula and shall be transferred to the educational consortium formed to conduct the "Joining Hands Across America: Local Community Initiative" project as approved by the Librarian: Provided further, That of the amount appropriated, \$500,000 shall be transferred to the Abraham Lincoln Bicentennial Commission to remain available until expended for carrying out the purposes of Public Law 106-173, of which amount \$3,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, \$40,896,000, of which not more than \$21,880,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2002 under section 708(d) of title 17, United States Code: Provided, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than \$5,984,000 shall be derived from collections during fiscal year 2002 under sections 111(d)(2), 119(b)(2), 802(h), and 1005 of such title: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$27,864,000: Provided further, That not more than \$100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than \$4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), \$49,788,000, of which \$14,437,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase, installation, maintenance, and repair of furniture, furnishings, office and library equipment, \$7,932,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount of not more than \$300,000, of which \$75,000 is for the Congressional Research Service, when specifically authorized by the Librarian of Congress, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a)(10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of sections 1535 and 1536 of title 31, United States Code, shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than \$5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 205. Of the amount appropriated to the Library of Congress in this Act, not more than \$12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. (a) For fiscal year 2002, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed \$114,473,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) For fiscal year 2002, the Librarian of Congress may temporarily transfer funds appropriated in this Act under the heading "LIBRARY OF CONGRESS—SALARIES AND EXPENSES" to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106-481; 2 U.S.C. 182c): Provided, That the total amount of such transfers may not exceed \$1,900,000: Provided further, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 207. Section 101 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106-481; 2 U.S.C. 182a) is amended—

(1) in the heading, by striking "AUDIO AND VIDEO"; and

(2) in subsection (a), by striking "audio and video".

SEC. 208. (a) Section 102(a) of the Library of Congress Fiscal Operations Improvement Act of 2000 (2 U.S.C. 182b(a)) is amended by adding at the end the following new paragraph:

"(4) Special events and programs."

(b) The amendment made by subsection (a) shall take effect upon the date on which the Committees on Appropriations of the House of Representatives and Senate approve a report submitted to the Committees by the Librarian of Congress which describes the guidelines and policies applicable to the hosting of special events and programs by the Librarian which are

covered under section 102(a)(4) of the Library of Congress Fiscal Operations Improvement Act of 2000 (as added by subsection (a)).

SEC. 209. Section 7 of the Abraham Lincoln Bicentennial Commission Act, Public Law 106-173, is amended by adding the following new subsections:

“(f) GIFTS.—The Commission may, for the purpose of carrying out this Act, accept and use gifts of money, property, and services, and, notwithstanding section 1342 of title 31, United States Code, may accept and use voluntary services as the Commission deems necessary.”

“(g) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Commission, the head of a Federal agency or other Federal appointing authority may detail, on a reimbursable or non-reimbursable basis, any of its employees to the Commission to assist the Commission in carrying out the duties of the Commission under this Act. Any such detail of an employee shall be without interruption or loss of civil service status or privilege.”.

ARCHITECT OF THE CAPITOL

CAPITOL VISITOR CENTER

For an additional amount for the unassigned space in the Capitol Visitor Center project, \$70,000,000, to remain available until expended: Provided, That section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) shall not apply to the funds made available under this heading: Provided further, That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center under this Act or any other Act without an obligation plan approved by the chair and ranking minority member of the Committee on Appropriations of the House of Representatives for House space and the Committee on Appropriations of the Senate for Senate space.

CONGRESSIONAL CEMETERY

For the perpetual care and maintenance of the historic Congressional Cemetery, \$1,250,000, to remain available until expended: Provided, That \$1,000,000 of such amount shall be paid to the National Trust for Historic Preservation (hereafter in this paragraph referred to as the “National Trust”) for deposit into the permanently restricted account referred to in section 209(b) of the Legislative Branch Appropriations Act, 1999 (Public Law 105-275; 112 Stat. 2449) and shall be used by the National Trust in accordance with the terms and conditions applicable under such section to amounts deposited into such account: Provided further, That \$250,000 of such amount shall be for the preparation of a study to develop a program for the ongoing care and maintenance of the Cemetery.

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, \$21,753,000, of which \$3,748,000 shall remain available until September 30, 2006 and \$5,000,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, \$29,639,000: Provided, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed \$175,000: Provided further, That amounts of not more than \$2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 2000 and 2001 to depository and

other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided, That not more than \$2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That the revolving fund and the funds provided under the headings “OFFICE OF SUPERINTENDENT OF DOCUMENTS” and “SALARIES AND EXPENSES” together may not be available for the full-time equivalent employment of more than 3,260 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the Senate and the House of Representatives): Provided further, That activities financed through the revolving fund may provide information in any format: Provided further, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15: Provided further, That expenses for attendance at meetings shall not exceed \$75,000.

ADMINISTRATIVE PROVISION

EXTENSION OF EARLY RETIREMENT AND VOLUNTARY SEPARATION INCENTIVE PAYMENTS FOR GPO

SEC. 210. (a) Section 309 of the Legislative Branch Appropriations Act, 1999 (44 U.S.C. 305 note), is amended—

(1) in subsection (b)(1)(A), by striking “October 1, 2001” and inserting “October 1, 2004”;

and

(2) in subsection (c)(2), by striking “September 30, 2001” and inserting “September 30, 2004”.

(b) The amendments made by this section shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 1999.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than \$12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger

motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), 901(6), and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6), and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, \$421,844,000: Provided, That not more than \$1,751,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2002: Provided further, That not more than \$750,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2002: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: Provided further, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

PAYMENT TO THE RUSSIAN LEADERSHIP DEVELOPMENT CENTER TRUST FUND

For a payment to the Russian Leadership Development Center Trust Fund for financing activities of the Center for Russian Leadership Development, \$8,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2002 unless expressly so provided in this Act.

SEC. 303. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 306. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104-1 to pay awards and settlements as authorized under such subsection.

SEC. 307. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed \$252,000.

SEC. 308. Section 316 of Public Law 101-302 is amended in the first sentence of subsection (a) by striking "2001" and inserting "2002".

SEC. 309. Section 5596(a) of title 5, U.S.C., is amended by deleting "and" at the end of paragraph (4); by deleting the period at the end of paragraph (5) and inserting a semicolon, and by adding the following new paragraphs, which shall be effective for all personnel actions taken on or after the date of enactment of this Act:

"(6) the Architect of the Capitol, including employees of the United States Senate Restaurants; and

"(7) the United States Botanic Garden."

SEC. 310. Section 4(b) of the House Employees Position Classification Act (2 U.S.C. 293(b)) is amended by adding at the end the following: "Notwithstanding any other provision of this Act, for purposes of applying the adjustment made by the committee under this subsection for 2002 and each succeeding year, positions under the Chief Administrative Officer shall include positions of the United States Capitol telephone exchange under the Chief Administrative Officer."

SEC. 311. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets and sidewalks, in the irregular shaped grassy areas bounded by Washington Avenue, SW on the northeast, Second Street SW on the west, Square 582 on the south, and the beginning of the I-395 tunnel on the southeast.

SEC. 312. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a-10c).

And the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

Delete the matter stricken, delete the matter inserted, and strike all beginning on page 2, line 6, down through and including page 9, line 21, of the House engrossed bill, H.R. 2647.

And the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate num-

bered 3, and agree to the same with an amendment, as follows:

Delete the matter stricken, delete the matter inserted, and strike all beginning on page 17, line 19, down through and including page 17, line 23, of the House engrossed bill, H.R. 2647.

And the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

Delete the section number inserted, and strike line 5 through and including line 17 of page 46 of the House engrossed bill, H.R. 2647.

And the Senate agree to the same.

CHARLES H. TAYLOR,
ZACH WAMP,
JERRY LEWIS,
RAY LAHOOD,
DON SHERWOOD,
C.W. BILL YOUNG,
JAMES P. MORAN,
STENY H. HOYER,
MARCY KAPTUR,
DAVID R. OBEY,

Managers on the Part of the House.

RICHARD J. DURBIN,
TIM JOHNSON,
JACK REED,
ROBERT C. BYRD,
ROBERT F. BENNETT,
TED STEVENS,
THAD COCHRAN,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2647) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate amended the House bill with five numbered amendments. The conference agreement addresses all the differences contained in the five amendments in the disposition of the first numbered amendment. The first numbered amendment therefore includes a complete version of the Legislative Branch bill. An explanation of the resolution of the differences of the other four numbered amendments is included in the first numbered amendment. The disposition of the other four numbered amendments therefore is purely technical in nature to enable the complete bill text to be included in the first amendment.

LEGISLATIVE BRANCH WIDE MATTERS

The conferees note that agencies of the Legislative Branch have taken an undisciplined position regarding the execution of their respective annual budgets as it relates to reprogramming and transfer of funds. The conferees have included the following reprogramming guidelines which shall be complied with by all entities in this conference report, exclusive of the House and Senate, funded by the Legislative Branch Appropriations Act, 2002 and thereafter:

1. Except under extraordinary and emergency situations, the Committees on Appropriations will not consider requests for reprogramming or transfer of funds, or use of unobligated balances, which are submitted after August 1;

2. Clearly stated and detailed documentation presenting justification for the reprogramming, transfer, or use of unobligated balances shall accompany each request;

3. All agency reprogramming requests shall be submitted if the amount to be shifted to or from any object class, approved budget or program involved is in excess of \$250,000 or 10 percent, whichever is less, of the object class, approved budget, or program;

4. For any action where the cumulative effect of below threshold reprogramming actions, or past reprogramming and/or transfer actions added to the request, would exceed the dollar threshold mentioned above, a reprogramming shall be submitted;

5. For any action which would result in a major change to the program or item which is different than that presented to and approved by the Committee on Appropriations of the House and Senate, a reprogramming shall be submitted;

6. For any action where funds earmarked by either of the Committees for a specific activity are proposed to be used for a different activity, a reprogramming shall be submitted;

7. For any action where funds earmarked by either of the Committees for a specific activity are in excess of the project activity requirement, and are proposed to be used for a different activity, a reprogramming shall be submitted;

8. Additionally, each request shall include a declaration that, as of the date of the request, none of the funds included in the request have been obligated, and none will be obligated, until the Committee on Appropriations of the House and Senate have approved the request.

The conference agreement provides funding to various agencies of the Legislative Branch to implement a student loan repayment program. Detailed implementation requirements will vary among entities, however the conferees believe it is important that an overall set of controls and criteria be developed to insure consistent application of purposes of the program across the legislative branch. The conferees direct the Legislative Branch Financial Managers Council (LBFMC) to develop, in consultation with all Legislative Branch entities the controls and criteria that will govern program implementation. The LBFMC is directed to perform a comparative analysis between entity implementing regulations and governing controls and criteria and report the results of that analysis to the House and Senate Committee on Appropriations on the Legislative Branch by March 1, 2002.

Amendment No. 1: Deletes the matter inserted and inserts complete bill text excluding the short title.

Many items in both House and Senate Legislative Branch Appropriations bills are identical and are included in the conference agreement without change. The conferees have endorsed statements of policy contained in the House and Senate reports accompanying the appropriations bills, unless amended or restated herein. With respect to those items in the conference agreement that differ between House and Senate bills, the conferees have agreed to the following with the appropriate section numbers, punctuation, and other technical corrections:

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

Appropriates \$606,885,000 for Senate operations, and includes, at the request of the managers on the part of the Senate, amendments that add \$150,000 to the Caucus on International Narcotics Control, that amend Section 102, and that add other administrative provisions.

Regarding Section 107, the Senate Gift Shop has sold a number of items with the specific designation that a portion of the profits would be used toward construction of the Capitol Visitor Center. This section provides authority to transfer those profits to

the Capitol Preservation Fund, for use by the Capitol Preservation Commission, which has oversight responsibility for construction of the Capitol Visitor Center. Profits identified for the Capitol Visitor Center that were earned prior to FY2001 may be transferred to the Capitol Preservation Fund provided they were so identified and retained in the Senate Gift Shop Revolving Fund from the date earned.

Section 108 modifies existing legislation to clarify that the Old Supreme Court Chamber is under the supervision of the Senate Commission on Art; deletes the \$15,000 limitation on authorized funding for the Commission on Art; clarifies that funding may be in such amount as necessary; authorizes the Secretary to sign vouchers for the Commission on Art, in lieu of the Chairman or Vice Chairman; and restates the fact that all vouchers are ultimately approved by the Rules Committee before payment.

Section 109 authorizes the Secretary of the Senate and the Sergeant at Arms to procure temporary help as needed for up to a 30 day period for any position. Such temporary help are not employees of the Senate. Nothing in this legislation authorizes the handling of sensitive or classified information, and applicable restrictions and procedures must be followed.

Section 110 amends section 31(d) of 2 U.S.C. 59e(d).

Section 111 increases the amount available to the Committee on Rules and Administration for expenses under section 14(c) of Senate Resolution 54 by \$150,000, for salaries and expenses incurred by the Committee on Rules and Administration associated with the administration of the Joint Committee on Printing.

Inasmuch as these items relate solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers of the part of the House, at the request of the managers on the part of the Senate, have receded to the amendments of the Senate.

HOUSE OF REPRESENTATIVES

Appropriates \$878,195,100 for House operations, and includes, at the request of the managers on the part of the House, an amendment adding \$145,100 for the traditional death gratuity upon the death of a Member of the House of Representatives and reflects an unspecified reduction of \$4,000,000.

The conference agreement provides funding and authority to the Senate and various agencies of the Legislative Branch to implement a student loan repayment program. Authority and funding for the House of Representatives has not been included because of the absence of implementation guidelines and criteria. The conferees believe that the House of Representatives should examine such a program as soon as practicable and therefore strongly encourage the House Administration Committee to develop and recommend guidelines and criteria to be included in the FY 2003 budget request. The authorities contained in this bill for the Senate, and the recommendations of the Legislative Branch Financial Managers Council (LBFMC) should be taken into account in the development of this program.

In addition, the managers on the part of the House have amended an administrative provision in the House bill and added provisions regarding an allowance, authorizing additional positions for House officers, authorization for the House Employment Counsel to represent the House in judicial proceedings. The officers of the House have acquired additional expertise in response management and continuity of operations as a result of the recent emergencies created by

terrorist attacks and other activities that were not contemplated within current resource levels. In order to maintain an institutionalized capability and to help assure the security needs of the House are being met on a long term basis, the managers on the part of the House realize that current FTE limits have been superseded and direct the officers to take whatever steps are necessary to continue these functions in the most economical and operationally sound manner possible. Current FTE limits, therefore, shall not apply with respect to these activities. The managers on the part of the House also direct that, of the funds in the bill made available to the House for salaries and expenses, \$143,000 may be transferred to the Office of Legislative Counsel, at the request of the Legislative Counsel, to provide resources necessary for continuity of operations. Inasmuch as these items relate solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the amendments of the House.

While applauding the Herculean efforts of the Chief Administrative Officer, the Clerk, and others in the House of Representatives in providing alternative workspace and equipment for the House during the period in which House office buildings have been closed, the managers on the part of the House remain greatly concerned about the ability of Members and staff to access their computer systems from offsite locations during emergencies. The managers on the part of the House understand and appreciate that providing permanent remote access to House computer systems for all House offices would require the resolution of many complicated issues relating to security, technical capabilities, and the allocation of resources. Nevertheless, the managers on the part of the House urge the Chief Administrative Officer, the Clerk, and other relevant House officers to quickly develop a plan under which each office of the House of Representatives shall have available some permanent, reliable means to access its computer systems from a remote location. The managers on the part of the House request that the Chief Administrative Officer prepare and submit a report to the Committees on House Administration and Appropriations of the House of Representatives not later than 90 days after the enactment of the bill which describes the progress made by the Chief Administrative Officer in preparing and implementing this plan.

The managers on the part of the House direct the Chief Administrative Officer to calculate the amount of wages food service hourly employees that work in the House lost due to the necessary recent closing of House office buildings and to reimburse the applicable vendors to pay those wages from the proceeds of the restaurant services revolving fund.

JOINT ITEMS

OFFICE OF THE ATTENDING PHYSICIAN

Appropriates \$1,865,000 for the Office of the Attending Physician as proposed by the House instead of \$1,765,000 as proposed by the Senate. This amount includes \$1,253,904 for reimbursement to the Department of Navy for expenses incurred as proposed by the House instead of \$1,159,904 as proposed by the Senate.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

Appropriates \$113,044,000 for salaries of officers, members, and employees of the Capitol

Police instead of \$112,592,000 as proposed by the House and \$112,922,000 as proposed by the Senate, of which \$55,239,000 is provided to the Sergeant at Arms of the House of Representatives and \$57,805,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate. The conferees direct the Chief of the Capitol Police to make retroactive to October 1, 2001 any comparability adjustments in pay of sworn officers.

GENERAL EXPENSES

Appropriations \$13,146,000 for general expenses of the Capitol Police instead of \$11,081,000 as proposed by the House and \$12,394,000 as proposed by the Senate. The increase above the House allowance provides an additional \$65,000 for card readers and \$2,000,000 for the accelerated upgrade and installation of a new networked in-place monitoring system. The conferees have provided \$1,525,467 to purchase 40 vehicles for canine officers to transport police dogs. This action will provide the United States Capitol Police with operational-parity similar to other federal law enforcement agencies. This amount allows for the purchase of the police service vehicles and the related purchase and installation of police-vehicle equipment and canine cages (\$1,357,600). The first year's annual operating costs for these vehicles including fuel and maintenance is estimated at \$101,867. In addition, the salaries appropriation provides one FTE for additional maintenance staff.

ADMINISTRATIVE PROVISIONS

The conferees have included an administrative provision allowing for the transfer of funds upon the approval of the committees on Appropriations of the House and Senate. In addition, the conferees have included administrative provisions that authorize the Capitol Police to purchase goods and services in emergency situations; that authorize the Capitol Police to accept donations of meals and refreshments in emergency situations; sets a cap on the level of pay for the Chief Administrative Office of the Capitol Police; and another provision authorizing the payment of certain expenditures made in connection with the terrorist acts of September 11, 2001, and subsequent threats. The conferees direct that within 30 days of utilizing the authorization provided to purchase or accept donations of goods and services a report of such transactions and the reasons therefore will be submitted to the Committee on Appropriations of the House and Senate.

OFFICE OF COMPLIANCE

For the Office of Compliance the conferees have agreed that of the amount appropriated, \$254,000 shall remain available until September 30, 2003, as proposed by the House.

CONGRESSIONAL BUDGET OFFICE

Appropriates \$30,780,000 for salaries and expenses of the Congressional Budget Office as proposed by the House instead of \$30,680,000 as proposed by the Senate. The conferees have included three administrative provisions that provide for an employee training program, authorization to apply the proceeds from the sale of older equipment to be applied to the purchase of equipment used for the same purpose, and the establishment of a student loan repayment program as a recruitment tool.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

Appropriates \$51,371,000 for salaries and expenses, Capitol buildings and grounds, general administration, Architect of the Capitol, instead of \$46,705,000 as proposed by the

House and \$54,000,000 for the Architect of the Capitol, Capitol Buildings and Grounds, Capitol buildings, salaries and expenses as proposed by the Senate. Of this amount \$20,000 is provided for attendance at meetings as proposed by the Senate instead of \$30,000 as proposed by the House. Of the amount appropriated \$3,026,000 shall remain available until September 30, 2006 instead of \$3,414,000 to remain available until expended as proposed by the Senate. In addition, the conferees have included provisions pertaining to a Chief Financial Officer and the acquisition of property, as proposed by the Senate.

With respect to the object class and project differences between the House and Senate bills, the conferees have agreed to the following:

Operating Budget	\$47,007,000
Capitol Projects:	
1. Implementation of AOCNET	500,000
2. Financial Management System	2,076,000
3. Computer-Aided Facility Management	700,000
4. Implementation of Safety Programs	450,000
5. Security Project Support	125,000
6. Replace Building Automation System, Capitol Complex	240,000
7. Micrographic & Recording Storage Equipment	73,000
8. Development of Master Commissioning Specifications	100,000
9. Develop AOC Engineering Guide Specifications	100,000

MINOR CONSTRUCTION

Instead of providing for a separate account, as proposed by the House, the conferees have included \$5,000,000 as a line item within House office buildings account for minor construction.

CAPITOL BUILDINGS

Appropriates \$15,194,000, of which \$3,080,000 shall remain available until September 30, 2006, for maintenance, care and operation of the Capitol, by the Architect of the Capitol, instead of \$17,674,000 as proposed by the House. The Senate bill included \$54,000,000 for this activity in the appropriation immediately preceding. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

Operating Budget	\$9,696,000
Capitol Projects:	
1. Provide Infrastructure for Security Installations	200,000
2. Conservation of Wall Paintings	300,000
3. Replacement of Minton Tile	200,000
4. Roofing Repair, Around House and Senate Chambers	160,000
5. Replace Exit Doors for Emergency Egress and Security, Capitol Building	475,000
6. Design, Install Emergency Signs and Lighting	200,000
7. Egress Door Improvements	100,000
8. Replace Halon Fire Suppression Systems ...	50,000
9. Design, Upgrade Kitchen Exhausts	150,000
10. ADA Requirements	75,000

11. Elevator/Escalator Modernization Program	750,000
12. Rehabilitate Dome	1,605,000
13. Design, Exterior Stone Preservation	725,000
14. Chandelier Restoration and Crystal/Globe Replace	230,000
15. Door Refinishing/Restoration	211,000
16. Cold Storage for Historic Negatives	67,000

CAPITOL GROUNDS

Appropriates \$6,009,000 to the Architect of the Capitol for the care and improvements of grounds surrounding the Capitol, House and Senate office buildings, and the Capitol Power plant instead of \$6,904,000 as proposed by the House and \$6,000,000 as proposed by the Senate. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

Operating Budget	\$5,653,000
Capitol Projects:	
1. Replace Trucks	80,000
2. Provide Lights at Lot 9	276,000

SENATE OFFICE BUILDINGS

Appropriates \$42,126,000 for the maintenance, care, and operation of the Senate office buildings to the Architect of the Capitol instead of \$47,500,000 as proposed by the Senate, of which \$3,760,000 shall remain available until September 30, 2006. The reduction from the Senate level is attributable to the transfer of funds, related to the central support staff, to the new General Administration account. Inasmuch as this item relates solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate.

HOUSE OFFICE BUILDINGS

Appropriates \$54,006,000 for the maintenance, care, and operation of the House office buildings to the Architect of the Capitol instead of \$49,006,000 as proposed by the House, of which \$23,344,000 shall remain available until September 30, 2006. Inasmuch as this item relates solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the House. The additional funds provided flexibility for unforeseen needs including minor construction, repair, and alteration projects, land acquisition, and related activities, in connection with construction and maintenance activities of House office buildings.

Consistent with the energy conservation plan (Section 310 of the Legislative Branch Appropriations Act, 1999), the Architect of the Capitol is directed to provide compact fluorescent light bulbs in table, floor, and desk lamps in House office buildings for offices of the House which request them, including any retrofitting of the lamps which may be necessary to install such bulbs.

CAPITOL POWER PLANT

In addition to the \$4,400,000 made available from receipts credited as reimbursements to this appropriation, appropriates \$52,583,000 to the Architect of the Capitol for maintenance, care and operation of the Capitol power plant, instead of \$45,324,000 as proposed by the House and \$47,403,000 as proposed by the Senate. Of this amount \$8,013,000 shall remain available until Sep-

tember 30, 2006, instead of \$100,000, to remain available until expended, as proposed by the House and \$3,300,000, to remain available until expended, as proposed by the Senate. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

Operating Budget	\$43,395,000
Capitol Projects:	
1. Implement Emergency Shoring and Repairs to Tunnels	100,000
2. Update CAD Drawings for Capitol power plant	75,000
3. Install Ventilation in coal bunkers	65,000
4. Replace deaerator heaters	335,000
5. Study, heat balance/efficiency improvements	100,000
6. Repoint and clean east and west plant chimneys	90,000
7. Replace controls west cooling tower	180,000
8. Install dual, low NOx burners, boilers 5-7	200,000
9. Install Synchronous excitation package for chillers	130,000
10. Modernize Coal Handling System	7,913,000

ADMINISTRATIVE PROVISIONS

The conference agreement includes several administrative provisions related to the operations of the Architect of the Capitol. There is a provision that sets a cap on the level of pay of the Architect of the Capitol and Assistant Architect of the Capitol and authorizes the Architect to set levels of basic pay for twelve positions. The conferees direct that the Architect designate one of the twelve positions for security management functions. There is a provision requiring payment of liquidated damages in the event that completion of a project greater than \$50,000 in value is delayed because of the contractor; a provision that sets the limitation for small purchase contracts at \$100,000; a provision involving a financial management system; a provision that authorizes eligibility for life insurance, health insurance, retirement, and other benefits for temporary employees; a provision regarding a youth park; and a provision adjusting the limitation of donations to the National Garden.

The Architect of the Capitol is directed to develop design specifications and to sponsor a competition for the design of the youth park. The final design will be selected by the Capitol Preservation Commission. The Architect is authorized to use his existing funding for design specification development and the competition. Since construction cost is dependent on final design, no funding has been appropriated at this time.

The conferees direct the Architect of the Capitol to observe the reprogramming guidelines stated under the heading, "Legislative Branch Wide Matters," earlier in this statement.

LIBRARY OF CONGRESS
CONGRESSIONAL RESEARCH SERVICE
SALARIES AND EXPENSES

Appropriates \$81,454,000 for salaries and expenses, Congressional Research Service, Library of Congress, as proposed by the House instead of \$81,139,000 as proposed by the Senate. This level of funding provides for 739 full time equivalents.

TITLE II—OTHER AGENCIES
BOTANIC GARDEN
SALARIES AND EXPENSES

Appropriates \$5,646,000 for salaries and expenses, Botanic Garden, instead of \$5,946,000

as proposed by the House and \$5,829,000 as proposed by the Senate. The conferees have included language, as proposed by the House, setting a limitation on the use of funds for any activities of the National Garden and have not included the provision providing for reception and representation expenses. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

Operating Budget	\$4,107,000
Capitol Projects:	
1. Design, Administrative building renovation and addition	200,000
2. Roof Fall Protection, DC Village	131,000
3. Vehicle Replacement ..	68,000
4. Shade Curtain warranty	125,000
5. Conservatory Galleries design exhibits, banners and audio tours	615,000
6. Implementation/contractor support conservatory courtyards ...	400,000

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

Provides \$306,692,000 for salaries and expenses, Library of Congress, which will fund 2,792 FTE's, instead of \$304,692,000 as proposed by the House and \$297,775,000 as proposed by the Senate. Of this amount \$6,850,000 is made available from receipts collected by the Library of Congress and \$15,824,474 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other library materials as proposed by the House instead of \$10,824,474 as proposed by the Senate.

With respect to differences between the House and Senate bills, the conferees have agreed to the following:

1. Mandatories	\$12,381,417
2. Hands Across America ...	7,100,000
3. Purchase of Library Materials	15,824,474
4. Law Library Arrearage Reduction	850,000
5. Abraham Lincoln Bicentennial Commission	500,000
6. National Digital Library	18,080,735

The conference agreement includes funds for two programs, to remain available until expended. One provision, for \$7,100,000, is for teaching educators how to incorporate the Library's primary source digital materials into school curricula and includes \$1,500,000 for a pilot project in Illinois. The second provision provides \$500,000, which includes \$3,000 for official representation and reception expenses, for the Abraham Lincoln Bicentennial Commission.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

Provides \$40,896,000, including \$27,864,000 made available from receipts, for salaries and expenses, Copyright Office, as proposed by the House instead of \$40,701,000, including \$27,864,000 from receipts, as proposed by the Senate. This level of funding provides for 530 full time equivalents.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

Appropriates \$49,788,000 for salaries and expenses, books for the blind and physically handicapped as proposed by the House instead of \$49,765,000 as proposed by the Senate. This level of funding provides for 128 full time equivalents.

FURNITURE AND FURNISHINGS

Appropriates \$7,932,000 for furniture and furnishings as proposed by the House instead of \$8,532,000 as proposed by the Senate.

The managers on the part of the House do not concur with the language in the Senate report regarding incorporating the Furniture and Furnishings account into the Library's other appropriation accounts.

ADMINISTRATIVE PROVISIONS

In addition to various technical corrections the conferees have agreed to set an overall limitation of \$300,000 on funds available for attendance at meetings instead of \$203,560 as proposed by the House and \$407,560 as proposed by the Senate of which \$75,000 is provided to the Congressional Research Service instead of \$60,486 as proposed by the House and \$86,486 as proposed by the Senate. The conferees have included administrative provisions that authorize a new Library of Congress revolving fund and establishes a gift fund and authorizes detailees for the Lincoln Bicentennial Commission.

ARCHITECT OF THE CAPITOL

CAPITOL VISITOR CENTER

The conference agreement provides \$70,000,000 to the Architect of the Capitol for the completion of the expansion space. The Architect of the Capitol is directed not to obligate any funds for this project without an approved obligation plan. The plan should specify the purpose, amount, and timing of anticipated obligations.

CONGRESSIONAL CEMETERY

Appropriates \$1,250,000 to the Architect of the Capitol for a grant for the care and maintenance of the Congressional Cemetery, instead of \$2,500,000 as proposed by the Senate. Of this amount, \$250,000 is available to the Architect to develop a plan, in consultation with the Association for the Historic Preservation of the Congressional Cemetery, for perpetual care and maintenance of the Cemetery. The plan shall be submitted to the National Trust for Historic Preservation for review. The remaining amount is available as a grant to an endowment fund for perpetual care and maintenance.

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

Appropriates \$21,753,000 for structural and mechanical care. Library buildings and grounds instead of \$22,252,000 as proposed by the House and \$18,753,000 as proposed by the Senate. Of this amount \$5,000,000 shall remain available until expended instead of \$8,918,000 as proposed by the House and \$6,878,000 as proposed by the Senate, and \$3,748,000 of the amount provided shall remain available until September 30, 2006.

With respect to the object class and project differences between the House and Senate bills, the conferees have agreed to the following:

Operating budget	\$10,853,000
Capitol Projects:	
1. Replace partition supports JMMB	200,000
2. Replace VSD Motor Controls, TJB & JAB ...	132,000
3. Replace sidewalks, TJB and JAB	100,000
4. Restore decorative painting, TJB and JAB	100,000
5. Book stack lighting controls, TJB and JAB	100,000
6. Audio Visual Conservation Center, Culpeper ..	5,000,000
7. LOC Room and partition modifications	500,000
8. Replace compact stack safety, JMMB	300,000
9. Design, smoke detectors compliance, LB&G	100,000
10. Roof fall protection, LB&G	1,778,000
11. Design egress improvements	550,000

12. Design upgrade kitchen exhausts systems	70,000
13. ADA requirements, LB&G	100,000
14. Design collections security	200,000
15. Design, replacement of rain leaders, JAB	50,000
16. Design, remover 4 escalators for office space JMMB	100,000
17. Preservations environmental monitoring	100,000
18. Design book storage #2, Ft. Meade	420,000
19. Repair life safety deficiencies	1,000,000

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Appropriates \$29,639,000 for salaries and expenses, Office of Superintendent of Documents as proposed by the House instead of \$28,728,000 as proposed by the Senate.

ADMINISTRATIVE PROVISION

The conferees have agreed to a provision in the House bill which extends existing authorization or early retirement and voluntary separation incentive payments. The Senate bill includes a similar provision.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

Appropriates \$421,844,000 for salaries and expenses, General Accounting Office as proposed by the House instead of \$417,843,000 as proposed by the Senate. Within the appropriating language, the conferees have set the limitation on the representation expenses at \$12,500 as proposed by the House instead of \$12,000 as proposed by the Senate and made technical corrections on two matters.

The agreement does not include two provisions inserted in the Senate amendment that relate to a pilot program in technology assessment. The conferees direct the Comptroller General to obligate up to \$500,000, of the funds made available, for a pilot program in technology assessment as determined by the Senate and to submit to the Senate a report on the pilot program not later than June 15, 2002.

PAYMENT TO THE RUSSIAN LEADERSHIP DEVELOPMENT CENTER TRUST FUND

Appropriates \$8,000,000 for a payment to the Russian Leadership Development Center Trust Fund instead of \$10,000,000 as proposed by the Senate. The conferees note that the FY2001 Appropriations Act established this program in the Legislative Branch and authorized the use of non-appropriated monies to support this program.

TITLE III—GENERAL PROVISIONS

In Title III, General Provisions, section numbers have been changed to conform to the conference agreement and technical corrections have been made. The conferees have included section 309 (appropriately renumbered) of the House bill. The conferees recognize that the Capitol Telephone Exchange operates out of one location with employees working side-by-side. The conferees understand the importance of establishing equal pay for these workers, and appreciate the complications created by the fact that some are House employees and some are Senate employees, paid from funds appropriated to the respective bodies. The conferees direct the House Chief Administrative Officer and the Senate Sergeant at Arms to make a recommendation to the House and Senate Appropriations Committees, on House Administration, and the Senate Committee on Rules and Administration, on how to structure the

U.S. Capitol Telephone Exchange to provide for uniform pay, procedures and policies for all its employees while continuing to provide a high level of service to Members, staff and the American people. This report should be submitted by April 30, 2002.

The conferees have included a provision that authorizes the Architect of the Capitol to maintain and improve landscape features of property located near the House office buildings. The conferees have included the House provision regarding the Buy American Act and have excluded the House provision related to the installation of compact fluorescent light bulbs and have included direction, under the paragraph explaining House Office Buildings, for the Architect of the Capitol to address this matter.

Amendment No. 2: Deletes the matter stricken and deletes the matter inserted and deletes certain House matter not stricken by the Senate. The disposition of this amendment is purely technical so that the entire text of the conference agreement could be included in amendment numbered 1. The description of the resolution of the differences in this amendment can be found in the joint statement of the managers under amendment numbered 1.

Amendment No. 3: Deletes the matter stricken and deletes the matter inserted and deletes certain House matter not stricken by the Senate. The disposition of this amendment is purely technical so that the entire text of the conference agreement could be included in amendment numbered 1. The description of the resolution of the differences in this amendment can be found in the joint statement of the managers under amendment numbered 1.

Amendment No. 4: Deletes the section number stricken and inserted and deletes certain House matter not stricken by the Senate.

Amendment No. 5: Deletes the matter stricken by the Senate.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2002 recommended by the Committee of Conference, with comparisons to the fiscal year 2001 amount, the 2002 budget estimates, and the House and Senate bills for 2002 follow:

[In thousands of dollars]	
New budget (obligational) authority, fiscal year 2001	\$2,729,527
Budget estimates of new (obligational) authority, fiscal year 2002	2,961,870
House bill, fiscal year 2002	2,239,000
Senate bill, fiscal year 2002	2,874,114
Conference agreement, fiscal year 2002	2,971,142
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2001	+241,615
Budget estimates of new (obligational) authority, fiscal year 2002	+9,272
House bill, fiscal year 2002	732,142
Senate bill, fiscal year 2002	+97,028

CHARLES H. TAYLOR,
ZACH WAMP,
JERRY LEWIS,
RAY LAHOOD,
DON SHERWOOD,
C.W. BILL YOUNG,
JAMES P. MORAN,
STENY H. HOYER,
MARCY KAPTUR,
DAVID R. OBEY,

Managers on the Part of the House.

RICHARD J. DURBIN,

TIM JOHNSON,
JACK REED,
ROBERT C. BYRD,
ROBERT F. BENNETT,
TED STEVENS,
THAD COCHRAN,

Managers on the Part of the Senate.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 23 minutes p.m.), the House stood in recess subject to the call of the Chair.

EXECUTIVE COMMUNICATIONS, ETC.

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

4425. A letter from the Principal Deputy General Counsel, Department of Defense, transmitting a draft of proposed legislation to award the medal of honor to Ben L. Salomon and Jon E. Swanson; to the Committee on Armed Services.

4426. A letter from the Principal Deputy General Counsel, Department of Defense, transmitting a draft of proposed legislation relating to the annual survey of racial, ethnic, and gender issues; to the Committee on Armed Services.

4427. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Charles R. Heflebower, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4428. A letter from the Director, Office of Management and Budget, transmitting a report on the Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

4429. A letter from the Office of Civilian Radioactive Waste Management, Department of Energy, transmitting the seventeenth Annual Report on the activities and expenditures of the Office of Civilian Radioactive Waste Management, pursuant to 42 U.S.C. 10224(c); to the Committee on Energy and Commerce.

4430. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Reasonably Available Control Technology Requirements for Volatile Organic Compounds and Nitrogen Oxides in the Pittsburgh-Beaver Valley Area [PA041-4178; FRL-7083-3] received October 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4431. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Kentucky: Approval of Revisions to Kentucky State Implementation Plan [KY-75-1; KY-97-1-200109; FRL-7082-8] received October 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4432. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Kentucky; Approval of Revisions to State Implementation Plan; Revised Format for Mate-

rials Being Incorporated by Reference for Jefferson County, Kentucky [KY-103; KY-107; KY-110; KY-114; KY-115; KY-122-200203; FRL-7082-7] received October 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4433. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Kentucky; Approval of Revisions to State Implementation Plan, Source Specific Requirements, and Nonregulatory Provisions [KY-131, and KY-133-200201; FRL-7083-1a] received October 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4434. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 0135-1135a; FRL-7082-6] received October 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4435. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Illinois Trading Program [IL 165-2; FRL-7056-6] received October 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4436. A letter from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them [PR Docket No. 92-235] and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Services—received October 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4437. A letter from the Director, Office Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Interim Storage for Greater Than Class C Waste [Docket No. PRM-72-2] (RIN: 3150-AG33) received October 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4438. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Israel (Transmittal No. DTC 102-01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4439. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Israel (Transmittal No. DTC 112-01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4440. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to the United Kingdom (Transmittal No. DTC 117-01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4441. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to France (Transmittal No. DTC 099-01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4442. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective September 23, 2001 the danger pay rate for the Montenegro Province was designated at the 20% level and the danger pay rate for Peshawar, Pakistan was designated at the 25% level, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

4443. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Fiscal Year 2000 Annual Report on Advisory Neighborhood Commissions," pursuant to D.C. Code section 47-117(d); to the Committee on Government Reform.

4444. A letter from the Director, Office of Procurement and Property Management, Department of Agriculture, transmitting the Department's final rule—Agriculture Acquisition Regulation; Part 442 Amendment; Designation and Mandatory Use of Contractor Performance System [AGAR Case 99-02] (RIN: 0599-AA08) received October 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4445. A letter from the Director, Office of Procurement and Property Management, Department of Agriculture, transmitting the Department's final rule—Agriculture Acquisition Regulation; Part 419 Amendment; North American Industrial Classification System [AGAR Case 2000-01] (RIN: 0599-AA09) received October 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4446. A letter from the Deputy Independent Counsel, Office of the Independent Counsel, transmitting a report under the Federal Managers' Financial Integrity Act for the period ending September 30, 2001, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

4447. A letter from the Director, Office of Management and Budget, transmitting a report on the Federal Activities Inventory Reform Act; to the Committee on Government Reform.

4448. A letter from the Chairman, Securities and Exchange Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2000, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

4449. A letter from the Accounting Administration Supervisor, Daughters of the American Revolution, transmitting the report of the audit of the Society for the fiscal year ending February 28, 2001, pursuant to 36 U.S.C. 1101(20) and 1103; to the Committee on the Judiciary.

4450. A letter from the Director, Policy Directives and Instructions Branch, INS, Department of Justice, transmitting the Department's final rule—Delegation of the Adjudication of Certain Temporary Agricultural Worker (H-2A) Petitions, Appellate and Revocation Authority for those Petitions to the Secretary of Labor [INS 1946-98] (RIN: 1115-AF29) received October 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4451. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Action On Decision Therese Hahn v. Commissioner, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4452. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax Imposed on Certain Built-In Gains [Rev. Rul. 2001-50] received October 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 2585. A bill to authorize the Secretary of the Interior to conduct a study of the feasibility of providing adequate upstream and downstream passage for fish at the Chiloquin Dam on the Sprague River, Oregon (Rept. 107-255). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 1776. A bill to authorize the Secretary of the Interior to study of the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas; with an amendment (Rept. 107-256). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 483. A bill regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon; with an amendment (Rept. 107-257). Referred to the Committee of the Whole House on the State of the Union.

Mr. CALLAHAN: Committee of Conference. Conference report on H.R. 2311. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107-258). Ordered to be printed.

Mr. TAYLOR of North Carolina: Committee of Conference. Conference report on H.R. 2647. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107-259). Ordered to be printed.

NOTICE

Incomplete record of House proceedings.

Today's House proceedings will be continued in the next issue of the Record.



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Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147

WASHINGTON, TUESDAY, OCTOBER 30, 2001

No. 147

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico.

PRAYER

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

Gracious God, a very present help in trouble, we praise You for Your tenacity to live through troubled times. We listen in on Your conversation with the Psalmist when he was beset with trouble. We hear Your gracious invitation: "Call on Me in the day of trouble; I will deliver you, and you shall glorify Me."—Psalm 50:15. We respond with the Psalmist, "Hear my prayer, O Lord. Do not hide Your face from me in the day of trouble; incline Your ear to me . . . though I walk in the midst of trouble, You will revive me."—Psalms 102:1; 138:7.

Thank You, Lord, for Your reviving power. You revive us with convictions which cannot be compromised: You are our refuge and our strength; You have blessed our Nation through our history; You will help us be victorious over the evil of terrorism. We also are revived by the replenishing of our confidence: You will save us through our present crisis; we need not fear. We feel Your Spirit surging into our souls: anxiety is replaced by serene security, frustration by faith, tiredness with temerity, caution with courage. And so we say with the Psalmist, "In the day when I cried out, You answered me, and made me bold with strength in my soul."—Psalm 138:3. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF BINGAMAN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 30, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, the day will begin with consideration of the Labor-HHS Appropriations Act. Senators HARKIN and SPECTER are managing this bill. We are going to have a party conference recess from 12:30 to 2:15 today. There will be no rollcall votes prior to 2:15.

I just left a meeting with the majority leader, Senator DASCHLE. He would like to be able to finish the business of the Senate as soon as possible. We have 3 weeks until the Thanksgiving holiday. There is a lot to do. Everybody recognizes that. We completed two appropriations bills that have been sent to the President. We hope to be able to complete this bill even today. That would be what the managers want. They have worked very hard to get to

the point where we now are. The two managers are experienced in one of the most difficult bills we normally have. I think this year much of the difficulty has already been completed prior to its arriving on the floor.

So I hope those people who wish to offer amendments will recognize that we are going to come up with a unanimous consent agreement really soon on a time when amendments must be submitted. We haven't completed that with the managers yet, but they agree that something should be done in that regard.

MEASURES PLACED ON CALENDAR—S. 1573 AND H.R. 1552

Mr. REID. Mr. President, I understand there are two bills at the desk that have been read for the first time; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I ask unanimous consent that it be in order that S. 1573 and H.R. 1552, en bloc, receive a second reading, and I will object to any further consideration of these two matters.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1573) to authorize the provision of educational and health care assistance to the women and children of Afghanistan.

A bill (H.R. 1552) to extend the moratorium enacted by the Internet Tax Freedom Act through November 1, 2003, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the rule, the bills will be placed on the calendar.

RESERVATION OF LEADER TIME

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

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S11153

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of H.R. 3061, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the assistant majority leader for his statement about scheduling. It is my hope and it is my recommendation that we proceed very promptly with this bill, with the possibility of concluding it before the end of business today, or certainly no later than midday tomorrow.

There has been ample time for Senators to consider amendments to this legislation. Last year, this bill was reported out of committee on June 30 and floor action was concluded on July 27, and because of scheduling this year, it has come at a later time, understandably. Senators have had an opportunity to consider whatever amendments they want to offer. There is real concern as to what may happen in the remainder of the legislative season, and there has been some talk and most of us, if not all of us, do not want to see a continuing resolution.

Mr. President, the Labor, Health and Human Services and Education bill before the Senate today contains \$123.1 billion in discretionary spending, the full amount of the subcommittee's budget authority allocation under section 302(b) of the Budget Act. This amount represents an increase of \$11.4 billion over the FY'01 freeze level. The bill is within its outlay allocation of \$107.7 billion. In addition, \$300 million in emergency spending is also included for the Low Income Home Energy Assistance Program.

At this time, I want to take this opportunity to thank the distinguished Senator from Iowa, Senator HARKIN, the chairman of the committee, for his hard work in bringing this bill through the committee and on to the floor for full consideration by all Senators.

The programs funded within the subcommittee's jurisdiction provide resources to improve the public health and strengthen biomedical research, assure a quality education for America's children, and offer opportunities for individuals seeking to improve job skills. I'd like to mention several important accomplishments of this bill.

Few things are more important than a person's health and few things are more feared than ill health. Medical research into understanding, preventing,

and treating the disorders that afflict men, women and children in our society is the best means we have for protecting our health and combating disease.

Since January 2001, the Labor-HHS Subcommittee has held 12 hearings on medical research issues. We have heard testimony from NIH Institute Directors, medical experts from across the United States, patients, family members, and advocates asking for increased biomedical research funding to find the causes and cures for diseases such as Alzheimer's and Parkinson's disease, ALS, AIDS, cancer, diabetes, muscular dystrophy, multiple sclerosis, heart disease and many other serious health disorders. The bill before the Senate contains \$23.7 billion for the National Institutes of Health, the crown jewel of the Federal Government. The \$3.4 billion increase over the FY 2001 appropriation will support medical research that is being conducted at institutions throughout the country. This increase will continue the effort to double NIH by FY 2003. These funds will be critical in catalyzing scientific discoveries that will lead to new treatments and cures for a whole host of diseases.

The use of human embryonic stem cells for research has become an issue that is consistently debated in the press, on radio and television, and amongst people around the world. The fact that in fewer than 3 years, stem cell research has gone from an avant garde interest of a few select scientists to a common, contemporary issue reveals the immense potential that stem cells offer ailing patients.

Yet coming to terms with the inherent moral and ethical issues of stem cell research is difficult. We struggle with the balance of our respect for human life against the compassion we have for those who suffer from diseases that could be cured by stem cells. On August 9, 2001, President Bush recounted his own struggle with this volatile issue. The President made a diligent, valiant effort to reach an accord that would satisfy all sides.

I believe that limits on the use of Federal research money to only existing stem cell lines, will place barriers in the path of medical progress. We are just beginning to understand which researchers and companies throughout the world have ownership of these existing stem cell lines and we have little knowledge of their property rights, plans to share or license the use of those lines to other researchers, or whether the donors of those embryos have given the requisite informed consent. We know little about the quality of those existing stem cell lines, although up to one-third of them may be so fragile that they will be of no use to any researcher. We do not know how future therapies will be developed for our genetically diverse population from only a few select genetic lines. Perhaps most importantly, we are now learning that the existing stem cell

lines may be inappropriate for producing any human therapies because of their exposure to mouse feeder cells while growing in culture.

Since 1998, the Subcommittee on Labor, Health and Human Services and Education has held nine hearings to explore the potential medical benefits of stem cell research. The subcommittee has heard more than 21 hours of testimony from some of the most pre-eminent scientists in the world who have described how stem cells have the potential to cure the most common diseases afflicting Americans today. We have heard from ethicists who have discussed the moral and social implications of pursuing this line of research. We have listened to company executives who recount their ideas and hopes for delivering therapies to patients and patent attorneys discussing intellectual property rights. But the most striking and most compelling testimony has been from patients who suffer from disease and disabilities that destroy lives.

The Labor-HHS and Education bill before the Senate adds a new provision to the existing embryo ban (carried in the bill since FY'96). This language permits Federal dollars to be used—at the discretion of the President—for research on embryonic stem cells from embryos that meet the following criteria: created in excess of clinical need, will otherwise be discarded, and are donated with the written consent of the progenitors. This language for the first time, states that Federal dollars may be used for embryonic stem cell research.

Since September 11, 2001, Americans have become acutely aware that our enemies will use any means to murder and maim large numbers of U.S. civilians. The use of biological agents is no longer a threat—it is a reality. The deaths of 3 individuals from inhalational anthrax and the infection of others with the cutaneous form of the disease has made all of us aware of the need to act quickly to provide the funds needed for prevention and treatment needs. The committee has included \$338 million to coordinate state and local readiness, stockpile appropriate pharmaceuticals, and build our public health infrastructure to respond to any act of bioterrorism. The anthrax found in Senator DASCHLE's office and in the House and Senate mail rooms, at postal facilities in New Jersey and the District of Columbia and surrounding areas, in news and other media facilities proves that we must try and prevent, detect and quickly respond to any further acts of bioterrorism. Additional dollars to address bioterrorism needs will be considered during supplemental appropriations bills in November.

For the first time, the committee has included \$1 million for a public awareness campaign to educate Americans about the existence of spare embryos and adoption options. During stem cell hearings, we were made aware that

there are 100,000 spare frozen embryos stored in in-vitro fertilization clinics throughout the United States. Many infertile couples could choose to adopt and implant such embryos if they were aware of that option.

Since 1999, \$2.9 billion has been devoted to programs to assist communities in preventing youth violence. This year the committee has included \$1.542 billion to continue to address youth violence in a comprehensive and coordinating manner throughout the Federal Government. Funds will be used to improve research, prevention, education, and treatment strategies to identify and combat youth violence.

To enable all children to develop and function at their highest potential, the bill included \$6.6 billion for the Head Start Program, an increase of \$400 million over last year's appropriation. This increase will provide services to 916,000 children in 49,420 classrooms across the Nation.

To help provide primary health care services to the medically indigent and underserved populations in rural and urban areas, the bill contains \$1.34 billion for community health centers. This amount presents an increase of \$175.1 million over the FY 2001 appropriation. These centers provide health care to nearly 12 million low-income patients, many of whom are uninsured.

Again this year, the committee has placed a very high priority on women's health. The bill before the Senate provides \$818.7 million for programs specifically addressing the health needs of women. Included in this amount is \$27.4 million for the Public Health Service, Office of Women's Health, an increase of \$6.1 million over last year's funding level to continue and expand programs to develop model health care services for women, provide monies for a comprehensive review of the impact of heart disease on women, and to launch an osteoporosis public education campaign aimed at teenagers. Also included is \$266 million for family planning programs; \$124.2 million to support the programs that provide assistance to women who have been victims of abuse and to initiate and expand domestic violence prevention programs to begin; \$167.2 million for sexually transmitted diseases; \$195 million for breast and cervical cancer screening; and \$39 million for the Office of Research on Women's Health at the National Institutes of Health.

In FY'01, the Labor-HHS Subcommittee held several hearings to explore the factors leading to medical errors and received testimony from family members and patients detailing their experiences with medical mistakes. The Institute of Medicine also gave testimony and outlined findings from their recent report which indicated that 98,000 deaths occur each year because of medical errors and these deaths may cost up to \$29 billion in excess health care expenditures and lost productivity each year. The bill before the Senate contains \$60 million

to determine ways to reduce medical errors, an increase of \$10 million over the FY'01 appropriation.

The bill maintains \$2 billion for the Low Income Home Energy Assistance Program. The amount, when combined with the additional \$300 million in emergency appropriations, will provide a total of \$2.3 billion for the LIHEAP Program in FY'02. LIHEAP is the key energy assistance program for low income families in Pennsylvania and in other cold weather states throughout the Nation. Funding support grants to States to deliver critical assistance to low income households to help meet higher energy costs.

For programs serving the elderly, the bill before the Senate recommends \$2.4 billion. Included is: \$366 million for supportive services and senior centers; \$561 million for congregate and home-delivered nutrition services; and \$202.5 million for the national senior volunteer corps; \$450 million for the community service employment program which provides part-time employment opportunities for low-income elderly. Also, the bill provides \$909.1 million for the National Institute on Aging for research into the causes and cures of Alzheimer's disease and other aging related disorders; funds to continue geriatric education centers; and the Medicare insurance counseling program.

The bill includes \$5.1 billion for AIDS research, prevention and services. Included in this amount is \$1.833 billion for Ryan White programs, an increase of \$75.4 million; \$781.2 million for AIDS prevention programs at the Centers for Disease Control; and \$2.375 billion for research at the National Institute of Allergy and Infectious Diseases.

To enhance this Nation's investment in education, the bill before the Senate contains \$48.5 billion in discretionary education funds, an increase of \$6.3 billion over the FY'01 freeze level, and \$4 billion more than the President's budget request.

For programs to educate disadvantaged children, the bill recommends \$11.8 billion, an increase of \$1.8 billion over last year's level. The bill also includes \$200 million for the Even Start program to provide educational services to low-income children and their families; \$36 million for the education of homeless children, and \$30 million for migrant education programs.

For school improvement programs, the bill includes \$8.7 billion, an increase of \$1.6 billion over the FY'01 appropriation. Within this amount, \$3.039 billion will be used for a new state grant program for improving teacher quality. To assist States and local education agencies in developing education reform initiatives, the bill includes \$410 million. Also included is \$925 million for grants to local education agencies for emergency school renovation and repair activities. The committee recommendation includes \$712.1 million for educational technology state grants, as authorized under the Senate-passed version of

H.R. 1. This program consolidates the four current educational technology programs.

For the 21st century After School Program, the bill provides \$1 billion, an increase of \$154.4 million over last year's level. This program supports rural and inner-city public elementary and secondary schools that provide extended learning opportunities and offer recreational, health, and other social services programs. The bill also includes language to permit funds to be provided to community-based organizations.

For Impact Aid programs, the bill includes \$1.130 billion, an increase of \$137.1 million over the 2000 appropriation. Included in the recommendation is: \$50 million for payments for children with disabilities; \$954 million for basic support payments, an increase of \$72 million; \$68 million for construction and \$50.5 million for payments for Federal property.

The bill provides \$516 million to assist in the education of immigrant and limited-English proficient students. This recommendation is an increase of \$56 million over the 2001 appropriation.

The \$8.4 billion provided in the bill will help local educational agencies meet the requirement that all children with disabilities have access to a free, appropriate public education, and all infants and toddlers with disabilities have access to early intervention services. The \$999.6 million increase over the FY'01 appropriation will serve an estimated 6.5 million children age 3-21, at a cost of \$1,133 per child. While also supporting 612,700 preschoolers at a cost of \$637 per child.

To improve post-secondary education opportunities for low-income first-generation college students, the committee recommendation provides \$805 million for the TRIO program, a \$75 million increase over the 2001 appropriation. These additional funds will assist in more intensive outreach and support services for low income youth.

For student aid programs, the bill provides \$12.3 billion, an increase of \$1.6 billion over last year's amount. Pell grants, the cornerstone of student financial aid, have been increased by \$250 for a maximum grant of \$4,000. The supplemental educational opportunity grants program has also been increased by \$22.1 million, the work study program is held at the FY'01 level and the Perkins loans programs is increased by \$15 million.

In this Nation, we know all too well that unemployment wastes valuable human talent and potential, and ultimately weakens our economy. The bill before us today provides \$5.5 billion for job training programs, \$80.8 million over the 2001 level. Also included is \$1.4 billion for Job Corps programs; \$950 million for adult training; and \$1.549 billion for retraining dislocated workers and \$1.127 billion for youth training.

The bill provides \$1.422 billion for worker protection programs, an increase of \$63.8 million above the 2001

appropriation. While progress has been made in this area, there are still far too many work-related injuries and illnesses. The funds provided will continue the programs that inspect business and industry, assist employers in weeding out occupational hazards and protect workers' pay and pensions.

The bill includes \$395 million for the Corporation for Public Broadcasting, an increase of \$30 million over the FY'2003 appropriation. In addition to the core amount provided for CPB, the Committee recommends \$25 million for the conversion to digital broadcasting.

There are many other notable accomplishments in this bill, but for sake of time, I have mentioned just several of the key highlights, so that the Nation may grasp the scope and importance of this bill.

Mr. President, I again want to thank Senator HARKIN and his staff and the other Senators on the subcommittee for their cooperation.

This bill has very substantial additional funding for education—some \$4 billion more than last year. It has very considerable additional funding for the National Institutes of Health, which funding has been a priority, on which the distinguished chairman, Senator HARKIN, and I have worked during his chairmanship in the early 1990s and mine for 6½ years, beginning in 1995 through earlier this year. If there is a continuing resolution, those increases will not be realized.

I think there is also an appropriate point of emphasis with what is happening in the country. I believe other Senators share my belief that there is a real need for us to spend time in our States with our constituents, telling them what is happening in the world and telling them what is happening in America. We all know that all of this work should have been finished by September 30. Here we are on October 30.

So I urge my colleagues, in furtherance of what the distinguished Acting majority leader has said, to let us know what the amendments are and offer to bring them. If we are not accorded that kind of consideration, it is my hope we will move to the third reading so that we can go to conference.

This is not going to be an easy bill to conference. Unless we proceed with dispatch, we will not have the benefit of these very substantial increases in funding.

I thank the Chair and my colleagues. The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I have spoken with the managers of the bill, and being a member of the committee, I have been so impressed with the hearings these two Senators have held over the last several years. It does not matter who is the chairman of the subcommittee; they have done outstanding work. They are always on the cutting edge of what is going on in the country. So I hope people will realize what an important bill this is.

I am going to work to have a unanimous consent agreement in order that by 4 o'clock this afternoon there will be a filing deadline for first-degree amendments on this bill. We will work on that while the managers are giving their opening statements.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I thank our assistant majority leader for his efforts in this regard. I thank him for all of his support through the years, and especially this year, for bringing this bill before the Senate. It is an important bill.

I will give my opening statement in a moment. I certainly hope we are able to reach some agreement on the filing of amendments sometime this afternoon. This bill has been laid to the side for a long time. People have known it was going to come up. I hope we can get the amendments filed. I hope we can dispense with this bill, if not today, as was said, early tomorrow. There is no reason we cannot finish the bill today. I hope we can move in that direction. I thank Senator REID for his efforts in this regard.

AMENDMENT NO. 2017

Mr. HARKIN. Mr. President, I send a substitute amendment to the desk, which is the text of the Senate-committee-reported bill, and ask the clerk to report it.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mr. SPECTER, proposes an amendment numbered 2017.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HARKIN. Mr. President, I ask unanimous consent that the amendment be agreed to; that the motion to reconsider be laid upon the table; that the amendment be considered as original text for the purpose of further amendment; and that no points of order be considered waived by virtue of this agreement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, as chairman of the Labor, Health and Human

Services, and Education Subcommittee of the Senate Appropriations Committee, I am very pleased to bring before the Senate the 2002 appropriations bill for the Department of Labor, Department of Health and Human Services, Department of Education, and related agencies.

I am also pleased to report that the bill was approved on a unanimous bipartisan vote on October 11.

I begin by thanking my good friend and partner in this effort, Senator SPECTER, and his excellent staff for working with me and my staff to put together this bill on a bipartisan basis. This is always one of the most difficult bills to put together, and it is certainly one of the most important.

Our Nation's health and the strength of our tomorrow are shaped by the critical health, education, and labor investments made by this bill.

I also thank Chairman BYRD and Senator STEVENS for their steadfast support and guidance throughout the year and for their good work in helping us get an enhanced allocation.

The bill we are putting forward today obviously is not perfect, not by a long shot, but given the limited resources with which we had to work, I think it is a very strong bill and one I can strongly recommend.

As we have done throughout our over 10-year partnership working on this subcommittee, the fiscal year 2002 bill is truly the product of bipartisan negotiation as Senator SPECTER and I have worked closely together to shape it. We have done our best to accommodate the literally thousands of requests we have received from our colleagues.

Mr. President, I will highlight some of the main features of the proposal before us.

First, it takes a number of important steps to improve the quality, affordability, and accessibility of health care in America. By providing a record \$3.4 billion increase to medical research funded by the National Institutes of Health, we are keeping our 5-year commitment to double our national investment in potential medical breakthroughs. This action holds the hope of improving the lives of millions plagued by killers such as Alzheimer's, cancer, Parkinson's, diabetes, osteoporosis, spinal cord injuries, and so many others.

The bill also makes a major improvement in access to affordable health care by providing a record \$175 million increase to community health centers and major increases in critical prevention activities such as cancer and heart disease screening. These changes are preventive in nature and will save lives and improve health.

The bill also has a major new effort to improve health care in our rural areas and small towns. We will bring more doctors and nurses and other health professionals to places they are needed by expanding the National Health Service Corps and the Nurse Loan Repayment Program. Our struggling rural hospitals are given help to

deal with Medicare paperwork burdens and help to expand into other activities such as adult daycare.

As a Senator from Iowa and as co-chair of the Senate Rural Health Caucus, I know how sorely these changes are needed.

Education continues to be a top priority of this subcommittee, and while our bill provides substantial new investments in quality education, it is my strong hope and expectation that more resources will be provided when we complete action on the education reform bill now in conference.

I also sit on that conference committee, led by our distinguished chairman, Senator KENNEDY. That bill, which is now in conference, contains an amendment that was offered by Senator HAGEL and me that the Senate approved without one dissenting vote, that we will finally meet our commitment to fully fund special education. We need that provision to do right by our schools and our local property tax payers.

That amendment in that bill—I am talking not about the bill before us, but the education reform bill that is in conference—the amendment Senator HAGEL and I offered, would over the next several years increase from the present level of 15 percent to 40 percent the amount the Federal Government will put into special education on an average-cost-per-pupil basis.

Twenty-five years ago when we passed the special education bill, the Individuals with Disabilities Education Act, we stated at that time that the goal of the Federal Government was to provide 40 percent of the average-per-pupil cost. That was 25, actually 26, years ago, and we are now at 15 percent.

Special education continues to be one of the highest costs to our local school districts, one that is burdening our local school systems and our local property tax payers. Yet the Federal Government has not lived up to its commitment. So in that education bill, Senator HAGEL and I offered an amendment to boost that funding. It is now in conference, and hopefully we will keep that provision in the bill.

That will, of course, free up some money for other parts of education which we did not have in our bill and were unable to meet all the needs.

I especially want to say with the downturn in the economy, I believe we are going to need more money especially for title I programs in education for the next year, and beyond that depends on what happens to the economy. Certainly we are going to need it for the next year.

Again, I am hopeful the education bill that is in conference will continue; that the House will recede to the Senate and will keep that money for special education.

I am also very pleased to report this bill before us today contains nearly \$1 billion to make needed repairs to our schools, including necessary security

enhancements. Last year, this subcommittee, under the leadership of Senator SPECTER, started an initiative to help our local school districts make their schools safe. It has been extremely popular in the States, and in a time of economic downturn, this job-creating initiative is even more urgent and it should be continued.

I will, at some appropriate point, point out on a chart how much all of the various States have received in the last year to make needed repairs, to bring their schools up to fire and safety code requirements, and to make needed security enhancements for their schools. As I said, it has been very helpful to the States. The Governors all support it; the school boards support it; and the parent-teacher associations. There is no one who is opposed to it.

So we put the money back in this year to keep it going. With all of the talk about stimulus and stimulus package, and looking at the stimulus package the House sent us with all of the tax breaks for huge corporations, it seems to me the best stimulus we could provide would be to send money directly to our communities so they could repair and modernize their schools. We get a couple bangs for the buck on that. We put people to work; it stimulates local economies, and of course that has a backup effect because there will be suppliers of different equipment, and it provides for all kinds of multiplier effects in the economy.

The second thing we get when we finish is we get something of lasting value for our country: better schools. So I am hopeful this program will be continued.

This bill also makes college more affordable for millions of young people by increasing the Pell grant maximum to \$4,000 and increasing the TRIO by \$75 million, which brings that program's total funding to \$805 million.

The bill also makes an important downpayment on needed improvements to elementary and secondary education. It increases funding for title I by \$1.4 billion, to a total of \$10.2 billion. It increases afterschool programs by \$154 million, which brings that to a total of about \$1 billion. It increases funding for teacher quality by over \$900 million for a total of just over \$3 billion for teacher quality.

This bill also funds crucial worker protection and job training efforts. I am pleased we have been able to improve our commitment to worker training and safety in this bill. We have also funded our State unemployment offices to handle the increased caseload they will face with the economic downturn.

Coming from a State with one of the highest percentages of senior citizens in the Nation, I am keenly aware of the many needs of our Nation's seniors. Accordingly, our bill contains a substantial initiative to improve services to our Nation's elderly. We will allow many more homebound seniors to receive Meals on Wheels. This is a very

good, low-cost program that helps the elderly and disabled in small towns and urban centers all over our country. For many of the seniors it is their only hot meal of the day and often the person who delivers the meal is the only visitor they have during the entire day.

This bill also provides a major increase in services such as adult daycare, to help seniors remain in their own homes and to give their loved ones needed respite and support care.

Finally, our subcommittee has held a series of hearings on the need to better protect Americans from the threat of bioterrorism, which, of course, is on so many of our minds today, especially those of us who have offices in the Hart Building, knowing we are not going to be able to get our staffs back in the building for, I guess, a few more weeks, from what I understand. It is a concern of Americans all over America about the mail they receive and whether they are going to be exposed, whether or not our food is going to be safe. So bioterrorism is something we have to address.

This Friday, our subcommittee will be having a hearing on the potential threat of smallpox and what we are doing and what more we need to do to protect our country against this possible terrorist threat.

While the bill before us contains a modest level of funding to address this need of bioterrorism, a much larger package will be included in the antiterrorism supplemental appropriations bill. We have developed a detailed \$2.3 billion plan that would beef up our public health system, boost our vaccine stockpiles, help hospitals respond to potential surges, boost vaccine research, and increase lab security.

This subcommittee is serious about meeting this threat head on, and we are prepared to fully fund a comprehensive, commonsense, antibioterrorism effort.

I conclude by saying Senator SPECTER and I are now prepared to move this bill. The leaders have asked us, as we heard earlier, to move the bill quickly. We are eager to complete it so we can get to conference with the House. So I hope, if Members have amendments, they will come to the Chamber and offer them. Hopefully, we can wrap up this bill sometime today.

As the chairman, I usually am aware of possible amendments. I must say at this point in time I have not heard of any amendments. So if any Senators have amendments, I hope they will come and offer them as soon as possible.

I want to thank my colleague, Senator SPECTER, and his staff for all their help in putting this bill together. As he said earlier, we have had a great partnership now going on over 10 years. We keep switching sides. One is the chairman or ranking member, then chairman or ranking member. Quite frankly, I like it a little bit better this way, but I could not have asked for a better chairman when I was ranking member.

I appreciate all of the many kindnesses he has afforded me, and the closeness with which we have worked over the years to develop our appropriations bills, especially this one this year.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, to reiterate, I thank my distinguished colleague from Iowa for those very generous comments. It is not uncommon to hear hyperbole when one Senator talks about another, but the relationship which Senator HARKIN and I have developed for more than a decade represents bipartisanship at its best.

I understand when Senator HARKIN says he likes it a little bit better when he is the chairman. Some people would not be surprised to hear he likes it a lot better when he is the chairman. Senator HARKIN chaired the subcommittee prior to 1995 when I became chairman and was chairman for some 6½ years. The transition has been seamless. TOM HARKIN and ARLEN SPECTER learned a long time ago that if one wants to get something done in Washington, they have to be willing to cross party lines.

Our work on this subcommittee involves three of the most important subjects on which the Congress has to appropriate, and that is on education, where it is a priority second to none; and health, which has a standing with education; and labor and work safety are matters of enormous importance where the public interest is very well served by this kind of bipartisanship and this kind of cooperation.

We have structured a bill with the assistance of a superb staff. Both Senator HARKIN and I refer to our deputies, Ellen and Betty Lou, as deputy Senators because they take over. We have the final say, but they are tremendous.

Mr. HARKIN. We do?

Mr. SPECTER. Senator HARKIN just said, "We do?" And I would add: Yes, sir, we do.

Mr. HARKIN. We think we do.

Mr. SPECTER. It is an enormous staff contribution. Senator HARKIN and I have received more than a thousand requests from Senators for inclusion in this bill, and we have done our best to accommodate all those requests. We have accommodated a surprisingly high number as we have worked through the priorities on this bill.

This bill provides for \$123 billion in budget authority, and that is an increase of \$11.4 billion over last year, and we are within our 302(b) allocation. We are within the budget. This represents a determination by the Senate of the very high priority on these issues.

In providing funding for education, health and labor, with emphasis on worker safety, we have added funds to the National Institutes of Health which we believe to be the crown jewel of the Federal Government. We started on this very substantial increase for fiscal year 1998. Up until that time there had

been increases but not enormous increases. Senator HARKIN and I determined this was the highest priority because of the tremendous number of ailments which were addressed by the National Institutes of Health.

That year, we asked the Budget Committee for an extra \$1 billion; we were turned down. So we came to the floor and offered an amendment on the budget for an extra \$1 billion; we lost 63-37. We got out the sharp pencils and found the extra \$1 billion in priorities. The next year, having lost our effort for an extra \$1 billion from the budgeting process, we asked for \$2 billion; we were turned down again. We lost again on the floor, 52-48. But we have pursued this matter with tenacity and diligence, so that last year when we asked for \$2.5 billion—this year we are asking for \$3.4 billion—we had a vote of 96-4. We have had that kind of support. That reflects the Nation's mood.

From fiscal years 1998, 1999, 2000, and 2001—and if we mark in the \$3.4 billion this year—we will have increased NIH funding by \$11 billion on an existing budget in fiscal year 1997 of \$12.7 billion. We believe that has been good for America. We have been able to watch NIH and, with other oversight, move within 5 years, perhaps, of conquering Parkinson's disease, delaying Alzheimer's disease, and made enormous achievements in cancer research and therapy and in heart disease.

I ask unanimous consent that at the end of my comments the long list of diseases tackled by the National Institutes of Health, with remarkable success, be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See Exhibit No. 1.)

Mr. SPECTER. Among the hearings our subcommittee has held since December of 1998, there were nine on stem cells, which burst upon the scene in November of 1998. The President has taken a significant step forward in authorizing Federal funding for all of the stem cell lines which were in existence as of August 9 at 9 p.m. Subsequent hearings by our subcommittee have disclosed the likelihood is high that will not be sufficient to have the kind of medical research which is necessary. The determination of that will await another day, candidly, as our country has been so heavily involved on the war against terrorism.

In response to very legitimate concerns which have been addressed by many about the possibility of having life from those embryos which are discarded on in vitro fertilization, we have included in this bill \$1 million as a starting project to have an embryo adoption awareness campaign.

In in vitro fertilization, perhaps a couple will create a dozen of these embryos. Then there will be selected three or four of the strongest embryos for implantation, for in vitro fertilization. The bulk of the remaining embryos will be discarded. An issue has been

raised about the possibility of adoption of these embryos. Certainly, if it were possible to bring all of these embryos to life, no one would suggest remotely they be used for research for stem cell extraction. But it is only because they are going to be discarded that it is concluded it is better to use them than to simply lose them and throw them away.

In an effort to have the maximum utilization possible of these embryos if life can be produced, we have started on this embryo adoption awareness campaign and have allocated \$1 million—not an enormous sum of money, but enough for a start. If it moves ahead, we will be revisiting this matter with increased appropriations in subsequent years.

Our funding has been very extensive on other critical programs of the Department of Health and Human Services. The Centers for Disease Control, which is now very much in the headlines, was the subject of an additional \$170 million last year for improvement of the plan. About 18 months ago, I made a visit to the Centers for Disease Control in Atlanta because I could not believe the stories I was hearing about renowned scientists working in corridors with their desks under extraordinarily difficult circumstances. I went to Atlanta. I found that the conditions were even worse than had been described.

Senator HARKIN and I crafted \$170 million for our budget for capital improvements which will exceed some \$1 billion over the course of years. This year, we have added some \$250 million to that program. We have had a substantial increase in Head Start, of some \$400 million, and we are now at \$6.6 billion. The Ryan White AIDS program has an increase of \$75 million to \$1.888 billion. Children's Graduate Medical Education, a very important item, has had an increase up to \$243 million.

On education on title I, disadvantaged youngsters, we have had the remarkable increase of \$2.4 billion, or a total of some \$11.8 billion. On the important item of teacher quality State grants, an increase of \$930 million to \$1.9 billion, we have had a virtual doubling of that important account. On special education, an item I hear about so often in my town meetings as I visit the 67 counties in Pennsylvania, we have had an increase of \$1 billion, moving toward the goal of having the Federal Government fund 40 percent of special education.

Pell grantees have been raised consistently. Now they are at \$4,000, an increase of \$250 over last year. Gradually we are moving them up and up and up.

With respect to labor, the dislocated worker account, which is so important today with the economy having the difficulties which are so well known, we have an increase of \$136 million, for a total of \$1.5 billion.

Occupational Safety and Health Administration, OSHA, has an increase of

almost \$25 million; mine safety, an increase of almost \$10 million; the National Labor Relations Board, an increase of \$10 million to try to get them to cope with their very heavy backlog.

That is a summary of some of the items in this bill. We think we have crafted the priorities in accordance with America's needs. These are three Departments of enormous importance. We have a substantial allocation for bioterrorism which we have addressed each year.

That will be in our regular budget—\$338 million. That is going to have an increase yet to be determined.

We had a special hearing several weeks ago where the indications were a minimum of \$1.5 billion, which was the request at that time. That is going to be substantially increased to enable us to cope with the very serious threat which confronts America today.

That is a very brief summary. I urge my colleagues to come to the Senate floor. Now is a good time to offer amendments. There is no competition; Senators may offer amendments right at the head of the line.

EXHIBIT No. 1

DISEASES

Alzheimers.
Parkinsons.
ALS
Muscular dystrophy.
Diabetes.
Osteoporosis.
Cancers: breast, cervical and ovarian; lymphoma; multiple myeloma; prostate; pancreatic; colon; head and neck; brain; lung.
Pediatric renal disorders.
Multiple sclerosis.
Deafness and other communication disorders.
Glaucoma.
Macular degeneration.
Sickle cell anemia.
Heart disease.
Spinal cord injury.
Sudden infant death syndrome.
Arthritis.
Schizophrenia and other mental disorders.
Polycystic kidney disease.
Hepatitis.
Cooley's anemia.
Primary immune deficiency disorders.
Autism.
Stroke.
Obesity.

The PRESIDING OFFICER. This assistant majority leader.

Mr. REID. Mr. President, prior to Senator STEVENS, a minority member on the Appropriations Committee, speaking on this bill, I want to announce to everyone that as soon as we come back from the party caucuses, after the recess at 2:15, there will be a unanimous consent agreement setting a time for filing—not for filing but for calling the cloakroom. We are going to come up with a list of finite amendments at a certain time today.

We would like to offer that unanimous consent right now, but we have been given information that the minority wants to complete their caucus lunch before they make a decision. I only state we hope that can be worked out. I am confident it will be, but if it

is not, we are going to offer the unanimous consent and someone will have to come and personally object to it. We need to move this bill along.

The Republican senior member of the committee is on the floor and he has worked very hard. We now have two bills that have been sent to the President. We have two or three conference reports we are going to complete this week, so we are making progress. One of the things we can do to show some significant progress is complete this bill tonight or prior to lunch tomorrow and then move on to another appropriations bill.

I hope we can have that agreement on a finite list of amendments entered shortly after we come back from lunch.

Mr. DORGAN. Mr. President, will the Senator yield for a question?

Mr. REID. I will be happy to yield to my colleague from North Dakota.

Mr. DORGAN. So I understand what the Senator from Nevada is saying, I am going to offer an amendment to this bill and every bill that comes to the floor. It is something that was dropped out of the bill last week on counterterrorism. It deals with what is called advanced passenger information systems. We have airlines landing this morning from Pakistan, from Jordan, Egypt, Saudi Arabia, Kuwait, airliners coming from those countries for which there is no passenger information forwarded to the Customs Department.

Eighty-five percent of the airlines do voluntarily provide that information. Fifteen percent of the airlines do not. I have described the countries from which the airlines come that do not provide that information. Everyone agreed we ought to do this. I offered the amendment and it was knocked out in conference on the counterterrorism bill because we had some people worried about their jurisdiction. They would not allow it in conference.

Today we have literally thousands of people coming on airplanes from that region and the names of those people are not provided to the Federal law enforcement authorities as they are from 85 percent of the other carriers. In this case, those names are not provided now. It seems to me that compromises this country's security.

I aim to fix that as quickly as we can. I intend to offer that as an amendment to every bill, and I will offer it this afternoon to this legislation as well. I want to make sure I am not prevented from doing so.

Mr. REID. I say to my friend from North Dakota, he certainly is not prevented from doing so. I hope he offers that amendment as soon as possible. The sooner we get to it, the quicker we are going to move through the bill, but Senators will have an opportunity to offer any amendments they want. We are not trying to cut off any amendments. We are simply saying we want to cut off time so we know what amendments we are going to have to work through before we complete this legislation.

I look forward to supporting my friend, the Senator from North Dakota, on this most important legislation dealing with airport security.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, while the Senator from North Dakota, who made the comment concerning the advanced lists, is present, I want to make a comment on another subject. But I say Alaska has suffered recently because of the loss of cargo lines that came through Anchorage and went on to other parts of the United States or Mexico or Canada. They landed primarily for fuel. The Customs regulations were changed and because of those changes, one of which was the request for the advanced lists, a series of those cargo lines have now decided to land in Canada and not land in the United States. So their first landing is in Canada.

I do not think the Senator is going to propose we get an advanced list of passengers on Canadian airlines. I am not sure it is possible under NAFTA. So I urge him to consider some way to deal with this problem of requiring lists that might lead to these planes deviating and going into Canada and actually we would have less information than we have today. I do not want to debate it now, but I will talk to him about it and tell him what happened in Alaska. I hope he understands.

Mr. DORGAN. Will the Senator yield for a question? I understand he wants to talk about other things. My interest is in making sure we have the passenger lists of people coming into this country. As I indicated, in 85 percent of the cases we do, but we do not now from Pakistan, Saudi Arabia, Kuwait, and so on. It seems to me that security is paramount at this point, and I certainly will visit with the Senator from Alaska about the issue he raises. I am talking especially about passenger lists at this point. I will talk more about it this afternoon.

Mr. STEVENS. I support the Senator's request. I supported his amendment before, and I will support it again, but I do think we have to take a look to see what the consequences of some of these requirements are and be prepared to meet the changes that come in terms of the airline travel.

Mr. President, I want to talk about the Labor-Health and Human Services appropriations bill. I know it will be up after lunch. I welcome the statement of the distinguished majority whip that we will seek a listing of these amendments today. I also am delighted I was able to be with Senator SPECTER who spoke about a matter that he and I have discussed at other times, and that is the creation of some type of category that will allow us to distinguish between normal visa applicants, or holders who are privileged to be in this country, and those who should properly be on a list of known terrorists.

I, for one, do agree with him. We should find some way to treat those

people as we would agents of foreign nations and treat them as prisoners of war. We ought to start getting tougher, as the Senator from Pennsylvania says.

What worries me most, as one of the few survivors of the World War II era, is I do not think we understand how tough we have to get to deal with some of these issues that are coming before our country. I hear people saying once again there is a global threat warning out and we are sort of crying wolf.

Well, it is not crying wolf. I really believe the Attorney General and the head of our new homeland defense agency are right to warn the people of the United States, and I think it is high time we decide how tough we are going to be in facing the challenges that have now beset us because of our global war against terrorism.

As I said, I came to talk about the Labor-Health and Human Services bill. It is the largest bill that comes before the Appropriations Committee. It is the largest because its breadth of coverage, as well as its size, means it does more to help everyday Americans than any other bill we consider in this Congress. It addresses American's health needs from community clinics to bioterrorism to immunizations. It provides services for Americans who need a helping hand from electric bills to job training. It helps narrow the education gap, providing Pell grants to lower income university students, to assistance to Alaska native colleges. I am pleased the committee has agreed to fund the Denali Commission. It was a commission I urged Congress to create to adopt a novel approach to providing assistance to remote areas in my State. The overhead of this commission in handling Federal funds is held to 5 percent or less. It is probably the lowest rate in the entire Federal Government.

We have found by handling money through a commission that has on it members of the State government, of the Federal Government, of business and labor, of the environmental community, as well as the native community, we can make decisions on how to spend and where to spend Federal money without the enormous overhead of the rest of the Federal executive branch. It has already helped build health clinics in remote villages where there are no doctors or nurses. We have pioneered in telemedicine and tele-education in my State. I am most pleased that the Appropriations Committee has agreed to continue to support this approach.

Sadly, my State leads the Nation in domestic violence, child abuse, and alcoholism. I am deeply grateful to the chairman and the ranking member of the Subcommittee on Labor, Health and Human Services, and Education for including an initiative to develop a statewide plan to combat domestic violence and child abuse in Alaska. Likewise, I am very pleased funds have been provided to implement the physical education for progress legislation Congress adopted last year at my request.

It is my hope we will move forward on this legislation quickly. I urge our colleagues to come to the floor as soon as possible to clear any amendments with the managers of the bill. We have other bills to which we should move. I know the chairman of the committee, Senator BYRD, will be speaking on this matter. I join him in requesting we consider how we can move the remaining legislation that comes from our Appropriations Committee and still finish our business in time to get home for Thanksgiving.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I will speak at more length on the subject I talked about a few moments ago, the issue of the advance passenger information system, which sounds like an innocuous system but it is a very important system by which we help provide for this country's security. Let me describe exactly what has happened.

We have 57 million people enter this country every year by airplane. Commercial airplanes from all around the world come into this country. We have some 57 million people on those airplanes entering the United States. There are 94 different air carriers flying those people into our country. There were 400,000 international flights with passengers processed into our country in the last year.

The question, especially since September 11, and since the terrorist threats against this country resulted in these devastating attacks of mass murder, the question is, Who are these people who are entering our country? What is their background? Do their names show up somewhere on a list of people who are affiliated with or associated with a terrorist cell? Are they known or suspected terrorists? Who are they?

In order to answer that question, we have what is called the advance passenger information system, which has 85 percent of the passengers covered by APIS because the carriers that are bringing them into this country voluntarily provide information to the Customs Service in America, saying here is our passenger list. That list then is cross-checked against the list of the Customs Service, the FBI, and others, to try to determine whether there are people who are trying to enter our country who should not enter. Pretty simple.

But the 15 percent of the passengers who are not part of this system, whose names don't come in to be checked, includes passengers on airplanes coming from, among other countries, Saudi Arabia, Kuwait, Jordan, Egypt, and

Pakistan. Let me give carriers that do not comply. They are not part of the voluntary system and do not provide passenger lists or information about passengers: Air Lingus, Aer Transat, Bahamas Air, Champion, Saudi, Kuwait, Royal Jordanian, Air Pakistan International, Canada 3000.

I chaired hearings in the appropriations subcommittee dealing with Treasury and general government. We had the Commissioner of the Customs Service testify. He talked about this. He talked about this being an important piece of information we get in our attempt to try to prevent terrorists, or known or suspected terrorists, from coming into our country. He said it is voluntary. There is 15 percent of the information we don't get; 15 percent of the 57 million passengers, with their names, are not given to our Customs Service to be checked. I asked, should it be checked? And he said of course it should, but he said at present it is not mandatory. I said, it is not mandatory? And he said, of course, it should be mandatory.

I indicated we would try to get that done after the September 11 attacks when there were 19 people riding the airplanes who came into this country to commit murder. While they committed an act of self-destruction, they murdered thousands of American citizens. Especially following that, we ought to be concerned about border security. This is one part of border security.

We had a piece of legislation called the counterterrorism bill which the President signed into law last week. That bill had an amendment I offered on the floor of the Senate that would have required the airlines coming into this country to provide the advance passenger information lists. My amendment passed. The Senate said yes. It was in the Senate bill. It came back from conference, and, mysteriously, it was gone. That somehow got destroyed.

That amendment was destroyed in conference. Why? Apparently, because there were some Members who decided in conference they have jurisdiction over this, it didn't go through this hoop or that hoop or didn't have this hearing or that hearing. Therefore, they asserted jurisdiction on this and said they would not allow it to be in conference.

What is the result of that, in my judgment, small-minded decision by some in Congress? What is the result? The result is that today, on Tuesday, there are airplanes landing all across this country coming in from Pakistan, from Egypt, from Saudi Arabia, from Kuwait, from Jordan, and there is no advance passenger list given the Customs Service against which they can check the lists and determine whether there are passengers we don't want coming into this country.

The result of knocking that out of the conference so it was not in the counterterrorism bill last week, in my judgment, injures this country's ability to provide for secure borders. It is

small thinking in the extreme, in my judgment.

Today and tomorrow these airplanes will haul passengers into this country and we will not have information about who those passengers are. We will have information on most of the passengers coming in from South America, from Europe, from most of the countries with which we have trading relationships and good relationships; they have signed a voluntary agreement with us. But the fact is, some of the key countries, some of the key carriers from that region that we need to be very concerned about at this point, are not involved if we receive no passenger list.

Someone said, when you read the names—Pakistan, Egypt, Jordan, Saudi Arabia, Kuwait, and more—aren't you profiling passengers? I said it is not about profiling passengers but about getting a list of all passengers coming into this country and trying to profile who might be known or suspected terrorists and keeping them out. If they happen to come from one region of the country, I regret that. But we are not profiling passengers; we are profiling terrorists to see if we can keep out of this country those whom we don't want to let in because they have suspect ties to terrorist organizations.

Coming into this country with a visa is coming into this country as a guest of the United States. We have every right to keep out of this country those who have ties to or those who are associated with known terrorist organizations. But today, Tuesday, we cannot do that because of behavior that represents monumental littleness, as one of our great former Presidents said in a conference last week, knocking out the amendment to which the Senate had already agreed, knocking out the amendment that came to that conference from the Senate.

As a result, I intend to offer this amendment just after lunch today on this piece of legislation, and I will offer this amendment on every piece of legislation until it becomes law, until it is in a vehicle signed into law by the President of the United States. So at 12:30 on Tuesday next week or a week after when a plane lands in this country, carrying passengers from abroad, we will know that in every circumstance information on the passenger list from that plane is provided to the U.S. Customs Service before departure.

Some might say, well, isn't this an unusual, intrusive and difficult thing to ask of others? The answer is no. Anyone who watched those commercial airplanes fly into the World Trade Center in New York knows that a lot has changed since September 11.

This country's security is critically important. Border security, it seems to me, is where you start. The President said yesterday, as reported in the papers today dealing with visas, that we should be tightening up on visas. I fully agree with that. You have to maintain control of your borders. That doesn't mean you build a wall and keep

people out. It means you have sufficient capability to understand who is coming in and to keep the wrong people out. That is what it means.

My hope is that we will be able to add this amendment to this appropriations bill. I understand this isn't an appropriations amendment. I understand that completely. My hope is that my colleagues who have already approved this—the Senate has already approved this legislation—will understand that our job is to keep sending this matter to conference on every vehicle possible so that the next airplane that lands from abroad is an airplane with a list of passengers that we have, and that list has been checked against the Customs list, against the FBI list, and against all of the lists of some 20 different agencies that have lists that tell us about people who should not be allowed to enter this country because of their known or suspected ties to terrorist organizations.

I will come back after lunch with an amendment I will formally offer. My hope is that the chairman and the ranking member will see fit to agree to it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak for no longer than 5 minutes as if in morning business.

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

Mr. CRAIG. Mr. President, I sat here for the last few minutes and listened to my colleague from North Dakota talk about border security. Certainly what he has said I agree with in principle. I haven't seen his amendment. I will now search it out and read it.

I have always believed if you have a guest in your home and find out that guest is going to burn down your home, you are going to get that guest out of your house just as quickly as you can before he or she touches the match. Foreign nationals in this country are guests of our country. They are guests in our home. There is nothing wrong with asking them to play by a few rules and for us to know who is on the guest list.

If that is what the Senator from North Dakota is talking about, I will support him in that effort.

NATIONAL ENERGY POLICY

Mr. CRAIG. Mr. President, I come to the floor this morning to ask unanimous consent to have printed in the RECORD letters from J. Eldon Yates, chairman and founder of the Vietnam Veterans Institute; the American Legion national commander, Richard Santos; the Veterans of Foreign Wars executive director, Robert Wallace; and Joseph Lipowski, the national commander of AMVETS.

They joined me, several of my colleagues, and the Secretary of Veterans Affairs, Anthony Principi, just a few moments ago outside our Capitol to call on this Senate and our leader, Tom Daschle, to bring a national energy

policy bill before this Senate before we adjourn this year.

Clearly, the President has been outspoken in the last month—and I agree with what he is doing—about strengthening our resolve and protecting our freedoms as the country cries out for a national energy policy that is a policy of national security.

Today the administration announced that we are going to start buying oil to put into our national Strategic Petroleum Reserve to beef up the total volume in that reserve in case of a national crisis. But even when that is done, if the oil of the Middle East were cut off, that reserve would last only for a few weeks before we would be in a significant energy crisis.

Our President as well as the Secretary of the Interior, the Secretary of Energy, the Vice President, labor unions, chambers of commerce, National Association of Manufacturers, and small business groups speaks out. America is being told today that national energy is a national security issue.

Strangely enough, the chairman of the Energy Committee even spoke this last weekend saying he wanted a national energy policy addressed before the end of the year. Yet nothing is done. The Energy Committee has been shut down by orders of the majority leader. Republicans are producing an energy bill. We have been to the floor time and time again asking for a time certain on which to debate this critical issue. The House acted in August. Our world would come tumbling down around us at this moment, economically speaking, if the oil of the Middle East were shut off from this country. Our economy would stifle. It is an issue of national security.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMVETS,

Lanham, MD, October 26, 2001.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
The Capitol, Washington, DC.

DEAR SENATOR DASCHLE: On behalf of AMVETS, I am writing to encourage you to bring H.R. 4, the Securing America's Future Energy Act of 2001, before the full Senate for consideration at the earliest possible moment prior to the close of the 1st Session of the 107th Congress.

As you know, our current reliance on foreign oil leaves the United States vulnerable to the whim of individual oil-exporting countries, many existing in the unpredictable and highly dangerous Persian Gulf. And it cannot be overstated that energy supplies touch nearly every aspect of our lives from our economy to our national security.

Passage of H.R. 4 would greatly assist in our ability to secure a more dependable and diversified domestic supply of energy. And, I would note that since the Persian Gulf War our security has become more threatened with our dependence on foreign sources of oil growing from 35 percent of domestic supply to nearly 60 percent.

AMVETS firmly believes that we cannot wait for the next crisis before we act. H.R. 4, as approved by the House, is a critical part of an overall policy America requires to promote dependable, affordable, and environmentally sound production and distribution of energy for the future. We urge your expedited approval of this legislation.

Dedicated to service.

JOSEPH W. LIPOWSKI,
National Commander.

VETERANS OF FOREIGN WARS,
OF THE UNITED STATES,
Washington, DC, October 29, 2001.

Hon. TOM DASCHLE,
*Majority Leader, U.S. Senate,
Washington, DC.*

DEAR SENATOR DASCHLE: The 2.7 million members of the Veterans of Foreign Wars of the United States and its Ladies Auxiliary supports H.R. 4, the "Securing America's Future Energy Act of 2001" or SAFE Act of 2001. We applaud the House of Representatives for its bipartisan work in addressing our energy vulnerability by passing H.R. 4. We believe the Senate should consider and vote on H.R. 4 so that our nation has an energy plan for the future and can move forward quickly with a comprehensive plan to develop our domestic energy resources.

Keeping in mind the horrific events of September 11 and mindful of the threats we are facing, we strongly believe that the development of America's domestic energy resources is a vital national security priority. We need to take steps to reverse our growing dependence on Middle East oil as quickly as possible. By passing H.R. 4, the Senate will be supporting our troops serving in combat on Operation Enduring Freedom, the American people, and our national security with a comprehensive energy legislation that is desperately needed to diversify the energy supply for our country and chart a course for the future.

The VFW strongly urges the Senate to consider and vote on H.R. 4 as passed in the House in this session of Congress.

Sincerely,

ROBERT E. WALLACE,
Executive Director.

THE AMERICAN LEGION,
Washington, DC, October 25, 2001.

Hon. TOM DASCHLE,
*Majority Leader, U.S. Senate,
The Capitol, Washington, DC.*

DEAR SENATOR DASCHLE: We write today out of a sense of urgency concerning our national security, as it relates to our need for energy independence. The development of America's domestic energy resources is vital to our national security. We respectfully urge you to adopt the provisions contained in H.R. 4, the "Securing America's Future Energy Act of 2001."

War and international terrorism have again brought into sharp focus the heavy reliance of the United States on imported oil. During times of crises, such reliance threatens our national security and economic well being. The import of more than 50 percent of our petroleum from the Persian Gulf further compounds our foreign trade balance at a time when our energy demands continued unabated. It is important that we develop domestic sources of oil, contained within our public lands—such as the supplies within the Arctic National Wildlife Refuge.

Working for a comprehensive energy policy and achieving responsible energy independence are critical national security and economic goals. H.R. 4, as passed by the House of Representatives, is a major step forward

to achieving these imperative goals. We strongly urge your support.

Sincerely,

RICHARD J. SANTOS,
National Commander.

STATEMENT OF OUR NATION'S VETERANS GROUPS, "OUR DOMESTIC ENERGY SECURITY IS OUR NATIONAL SECURITY", OCTOBER 30, 2001

We, the undersigned, representing our nation's veterans, strongly believe that the development of America's domestic energy resources is a vital national security priority. The horrific events of September 11, 2001, constitute a threat to our people, our economy, and our nation's security. With U.S. troops actively engaged in combat overseas, we firmly believe that America can and will win this prolonged war against terrorism, using all its resources to defend our nation and the cause of freedom around the world.

Because of these beliefs, we applaud the House of Representatives for its bipartisan work in addressing our energy vulnerability by passing H.R. 4, the "Securing America's Future Energy Act of 2001" or the "SAFE Act of 2001." It is imperative that the Senate pass the House version of H.R. 4 so that our nation can move forward in establishing our energy security, as well as our defense of freedom at home and abroad. It is essential for us to develop all domestic energy resources including the supplies within the Arctic National Wildlife Refuge.

By passing H.R. 4, the comprehensive energy legislation, the Senate will be supporting our troops in the field, all Americans, their families, and our nation. We, as Veterans, stand united and respectfully request that the Senate vote on and pass H.R. 4.

J. ELDON YATES,
*Chairman and Founder,
Vietnam Veterans Institute.*

Mr. CRAIG. Mr. President, America's veterans, those who have stood in harm's way year after year and decade after decade in defense and support of our freedom, now speak out and say: Senator DASCHLE, this is an issue of national security. Where are you? Why aren't you allowing the Senate to debate this issue now and have on the President's desk a national energy policy before we recess this first session of the 107th Congress?

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 2002—Continued

Mr. THOMAS. Mr. President, I want to talk a minute about part of the Labor, HHS, and Education appropriations bill as it pertains to an area of particular concern to me and my State; that is, rural health care.

I am cochairman of the Rural Health Care Caucus, along with the Senator from Iowa. I think this issue has been treated very well in this bill. I would like to comment just a bit about it.

We have, of course, a special focus on rural health care because it is unique. And because it is a special kind of issue that does not apply everywhere, I

think it is necessary for us to deal with it from time to time.

We submitted a letter from our caucus. I think there were 43 Members of the Senate listed on the letter asking for some consideration. I think this committee has reacted quite well.

There are a number of things of which most people are not aware and which are not talked about very often. Although 20 percent of the population of this country lives in what is called rural areas, only 9 percent of physicians practice in those areas. You can see it is always somewhat difficult to have the kind of medical services in rural areas that are available in other places.

Rural areas contain 67 percent of the country's primary health care professional shortage areas. I guess that is not a surprise, but indeed that is the case. It is in need of focus to ensure we have primary care in all of these rural areas.

There are 2,187 rural hospitals, a majority of which are primary care hospitals. Specialized care is very limited. Only 12 of 245 long-term care hospitals are in rural areas, and 81 of 601 psychiatric hospitals are in rural areas. None of the country's 73 children's hospitals is in rural areas.

As you can see, there is a need, and indeed there has been and continues to be special emphasis on it.

For example, national health care services: This is a program that provides primary health care providers in our Nation's most underserved communities. Last year, only 12.5 percent of the communities eligible for provider placement received assistance. That has increased. Adequately? I do not know. Would we like more? Of course. Nevertheless, it has been treated well.

There is an increase for community health centers. Community health centers provide services in rural areas for people living in underserved areas. They provide a service that is not always needed but is unique to rural areas.

Rural health research: A grant is provided for rural health research as to how to provide more services.

We understand the rural areas are not going to have all of those kinds of services in every community. In our State, we look for a medical care network that can be moved around to the places where it is needed.

The Rural Access to Emergency Devices Act is in the bill with some new funding; also, State offices of rural health which help provide a network and a system to provide those services in small communities.

We had some requests for funding in the Rural Interdisciplinary Training Program. This program addresses the shortage of health care professionals in rural areas. In the bill we also have the Rural Hospital Improvement Program.

So, of course, there are other areas in which we would like to have more emphasis, but I wanted to rise to suggest that this area of this bill is a very important one and one that means a great deal.

When we think of Wyoming, of course, we think of a rural State. I think there are twice as many people in Fairfax County as there are in Wyoming. But every State has rural areas. New York is one of the most rural States in terms of how many people are concentrated in a particular area. So when we talk about rural States, it is not just a western phenomenon. Rural needs exist in all our States.

So I hope we can go forward with this part of the bill. I thank those who put the bill together for their emphasis and interest in providing for rural health care.

Mr. CONRAD. Mr. President, I rise to offer for the RECORD the Budget Committee's official scoring for S. 1536, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for Fiscal Year 2002.

The Senate bill provides \$123.071 billion in nonemergency discretionary budget authority, which will result in new outlays in 2002 of \$50.014 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total \$107.716 billion in 2002. The Senate bill is at its section 302(b) allocation for both budget authority and outlays.

In addition, the bill provides \$300 million in emergency-designated funding for the low-income home energy assistance program (LIHEAP), which will result in new outlays of \$75 million in 2002. In accordance with standard budget practice the budget committee will adjust the appropriations committee's allocation for emergency spending at the end of conference.

The Senate bill also provides \$18.474 billion in advance appropriations for 2003 for employment and training, health resources, child care, and education programs. Those advances are specifically allowed for under the budget resolution adopted for 2002, and, combined with all other advance appropriations considered by the Senate to date, fall within the limit imposed by the resolution. Finally, the bill extends the Mark-to-Market Program for multifamily assisted housing, which is estimated to save \$355 million in 2002.

I ask for unanimous consent that a table displaying the budget committee scoring of this bill be printed in the RECORD.

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

S. 1536, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002, SPENDING COMPARISONS—CONFERENCE REPORT

(In millions of dollars)

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget Authority	123,071	272,937	396,008
Outlays	107,716	272,968	380,684
Senate 302(b) allocation: ¹			
Budget Authority	123,071	272,937	396,008
Outlays	107,716	272,968	380,684
House-reported bill:			
Budget Authority	123,071	272,937	396,008

S. 1536, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002, SPENDING COMPARISONS—CONFERENCE REPORT—Continued

(In millions of dollars)

	General purpose	Mandatory	Total
Outlays	106,753	272,968	379,721
President's request:			
Budget Authority	116,328	272,937	389,265
Outlays	105,957	272,968	378,925
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation: ¹			
Budget Authority	0	0	0
Outlays	0	0	0
House-reported bill:			
Budget Authority	0	0	0
Outlays	963	0	963
President's request:			
Budget Authority	6,743	0	6,743
Outlays	1,759	0	1,759

¹ For enforcement purposes, the budget committee compares the conference report to the Senate 302(b) allocation.

Notes.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions, including removal of \$300 million in BA and \$75 million in outlays in emergency funding for the low-income home energy assistance program. The Senate Budget Committee increases the committee's 302(a) allocation for emergencies when a bill is reported out of conference.

Mr. HOLLINGS. Mr. President, I rise in support of the fiscal year 2002 Labor, Health and Human Services and Education Appropriations bill brought forward today by Senator HARKIN and Senator SPECTER, the distinguished chairman and ranking member of the subcommittee.

As a member of the Labor-HHS-Education Subcommittee, I am well aware of the competing priorities funded in this bill including health care for the disadvantaged, medical research, education, Head Start, child care, and job training. The subcommittee faces a difficult task every year accommodating these important priorities, but behind the leadership of the chairman and ranking member, I believe we have produced a bill that balances these priorities.

The bill provides \$1.343 billion for community health centers. The weakening economy and skyrocketing cost of insurance raise the likelihood that thousands of Americans will lose their health benefits. These facts, combined with the persistent lack of access to care in many rural and urban communities, make it imperative that we strengthen the ability of community health centers to serve our Nation's underserved and uninsured patients. Last year, Senator BOND and I launched the REACH initiative to double funding for community health centers by 2005. The \$175 million increase provided in the bill with support from 67 Senators keeps the Senate on track to meet our goal.

From cancer to vision to biomedical imaging, the work of the Subcommittee to invest in the National Institutes of Health, (NIH), has led to improvements in the quality of life for countless Americans. I strongly support the unprecedented investment in the NIH made in this bill. This basic and clinical research is critical to the advancement of medical science and human health. Over the past 30 years, the 5-year cancer survival rate has risen from 38 percent to 59 percent.

This means that approximately 8,400,000 people are alive today as a result of progress in cancer research.

Our investment in the NIH has been returned many times over. Every dollar spent at the NIH returns over \$7 in lower medical costs and increased economic productivity. Advances in the treatment of cardiovascular disease between 1970 and 1990 have had a positive economic value of \$1.5 trillion annually. Still the costs of disease tallies as high as \$180 billion a year for cancer and \$38 billion a year for vision ailments. The investment made by this bill will cut into the amounts our government and our citizens spend fighting and treating these diseases.

In addition, it is important that we open the competition for biomedical research to institutions from all parts of the country. This bill includes \$200 million for the National Center for Research Resources' Institutional Development Awards, a program that helps States like South Carolina overcome the geographic concentration of NIH awards by developing the infrastructure needed to compete for biomedical research funding.

I would also like to point out the importance of the cancer programs funded out of the Centers for Disease Control and Prevention.

Cancer Registries can be a powerful tool in the war against cancer. We know that early detection of cancer saves lives and saves the health care system millions of dollars. With budgets getting tighter in States across the country, cancer registries give public health agencies clear guidance of where to target scarce resources for prevention activities. I am told that the registry in South Carolina is like many of the other registries. It has the ability to collect sophisticated and accurate data, but lacks the resources to fully analyze and act upon the data it collects. The true potential of cancer registries cannot be realized until a larger investment in the program is made.

The South Carolina breast and cervical cancer detection program, known as the Best Chances Network, just celebrated its 10th anniversary. Over that time, the program provided more than 110,000 cancer screenings to low-income women and have detected 1,400 cancers, saving countless lives. By all accounts the only problem with the program is that it cannot serve all eligible women.

The subcommittee also did an admirable job funding education programs. The bill contains a \$1.5 billion increase for title I. This substantial increase is important because the reauthorization of the Elementary and Secondary Education Act will put new mandates and higher expectations on our nation's schools. In turn, our schools should expect us to meet our mandates and provide them with the resources we promised. The \$10.2 billion provided in the bill will move us closer towards fully funding title I, a goal that 79 members of this body voted to affirm earlier this year.

The bill contains \$3 billion for State grants for improving teacher quality. It is critical to the future of our education system that we recruit our best and brightest to the teaching field and make efforts to retain the quality teachers already present in our system. This funding gives States the flexibility to improve teacher compensation, hire new teachers to reduce class size or provide additional training or mentoring to current teachers.

This bill addresses the crumbling infrastructure in many of our schools by providing \$925 million for school construction. Seventy-eight percent of public schools in South Carolina reported a need to upgrade or repair a school building to good overall condition. I am pleased that the bill will help our schools address some of the needs of their facilities and thank the chairman of the subcommittee for the leadership he has shown in this area.

Finally, the bill increases funding for higher education programs. The amounts provided in this bill will bring the maximum Pell Grant total to \$4,000. We also provide for a \$75 million increase for the TRIO programs. Since 1965, an estimated two million students have graduated from college with the special assistance and support of our Nation's TRIO Programs. These programs have been successful. Studies have found that students in the Upward Bound program are four times more likely to earn an undergraduate degree than those students from similar backgrounds who did not participate in TRIO, and students in the TRIO Student Support Services program are more than twice as likely to remain in college than those students from similar backgrounds who did not participate in the program. I am pleased that this bill will allow more eligible students to benefit from the TRIO Programs.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

RESTORING CONFIDENCE IN THE ECONOMY AND HOMELAND DEFENSE

Mr. REID. Madam President, last week, late in the week, Senator BYRD and I held a press conference. The reason we held this press conference was to indicate that we believe we need to do something to restore confidence in the economy. We also believe that part of restoring confidence in the economy is making sure that homeland defense is something that is more than just words.

We are proposing things that cost money. It is great to talk about home-

land defense, but if there is no money attached to it, it becomes a shallow promise to the American people.

Some of the things that Senator BYRD and I have talked about have to do with bio-terrorism. We believe there should be some prevention. Madam President, if you are going to have good, high-quality medical care, you have to have preventive medical care. The way to reduce costs and have a healthier public is to put our resources in the front end, not wait until everybody is sick and in the hospital. Bio-terrorism is no different. We need to have prevention and response. We need to have food safety initiatives. We have so few food inspections now. I believe I heard my friend from Iowa say, in a debate in this Senate Chamber last week, that about 1 percent of the food in our country is inspected. We need to do better. We need to make sure that State and local governments, who have responsibilities in this area, have some capacity to do that.

We believe there should be upgrades to State and local health departments. We believe we have to take a look at hospitals to make sure there is enough hospital capacity.

We want to accelerate the purchase of vaccines. In America, this huge country of 270 million people, we believe we should have an adequate number of vaccines that are under the direction of the Centers for Disease Control. We need to make sure we have adequate supplies. If we do not use them, fine; but we should have them available. And to accelerate the purchase of these vaccines is going to cost money.

Antibiotics: We know we have an inadequate supply of antibiotics. We need to make sure there is a satisfactory supply of these antibiotics for all the problems that may arise. And that is true for other pharmaceutical supplies.

We need to make sure there is better security for our labs.

These things I have just enumerated will cost about \$3 billion.

I came to Washington with Tom Ridge. He and I were in the House of Representatives together. I have maintained a friendship with him, including the time he was Governor of Pennsylvania.

A year ago, we traveled to Israel and the Middle East together, and we spent some time together. I have great respect for him as a person and for his abilities. But I truthfully say that I am not sure he is going to be able to do what is going to be required of him unless he has the resources to do it.

I had a meeting in with him last week. What he suggested was: Let me determine, first, what I need, and then I will come back and tell you what I need.

I am willing to do that. But I am not going to stand in the background and deprive him of the resources to do his job.

We have 40 agencies that collect intelligence. I believe we need a person

who has authority to tell these entities what to do and what he needs from them. So I am willing to wait for a reasonable period of time for Governor Ridge to get back to us and tell us what he needs. But if this is going to go onto a program where they are going to try to do his job and not spend any money, then I am going to move forward and give him the tools I believe he needs.

I am willing to wait for him to tell me what tools he needs, but if I get nothing in the reasonable future, then I am going to go ahead and do something on my own.

In New York, we learned to do something that should have been done a long time ago; that is, to develop nationwide appreciation for the police officers and firefighters.

In my past, I was a police officer for a period of time here in Washington, DC. I have always had great respect for the police. But it was not until I went to the State legislature in Nevada that I developed the respect for firefighters that I have.

When I went there, they were trying to pass legislation.

One of the things they told us, that there were more people who die and are injured fighting fires than police officers who die or are hurt in the line of duty. Firefighters have all kinds of problems on a daily basis. This was exemplified by the tragedy at the World Trade Center when hundreds of firefighters died in that terrible attack. We need \$6 billion to make sure the State and local antiterrorism investments are there for our police and fire departments. We need to have firefighting grants to allow local governments to have the capacity to train these people better. So for State and local antiterrorism investments for police and fire departments and additional firefighting grants, that figure is \$1.6 billion.

We need to also recognize that the FBI needs more assistance. All Federal law enforcement needs help. That includes computer modernization, especially for the FBI. They need additional agents. They are working long hours and getting worn down since September 11. I am not going to state in the Chamber the numbers of people in the Las Vegas Customs office. To do so would be embarrassing to me and to our country. It is the same all over the country. We are asking the U.S. Customs to do all kinds of things legislatively that they don't have the staff to do. We need a huge additional amount of money to take care of Customs.

We know that the terrorists who came and did the acts of September 11 didn't come over the southern border we hear so much about. They came through the northern border. We need to make sure there is more funding for the Coast Guard, the Federal Aviation Administration, the Drug Enforcement Administration, and U.S. Attorneys. Our courts need more money, as does the U.S. Marshals Service. What I have

talked about here, starting with the FBI, is going to cost us about \$1.7 billion.

We know most of the time who comes into this country, but once they come here, they are lost in a maze of 270 million people. We need the Immigration and Naturalization Service to improve their tracking of people who are in this country and people who are on student visas. I believe we should do all we can to have exchange programs and have people study in our great universities. Out of the approximately 135 great universities in the world, 121 of them are in the United States. It is great we have people who want to come from other countries to study here. But we need to make sure that once they come here, they are not lost in the maze of people in the United States.

We need border enhancements, improved tracking of people, including people on student visas. This is going to cost about \$1.5 billion. We know that airport security is going to cost more money, about \$1 billion. Transit security is also important, \$1.1 billion. We need to make sure there is adequate Federal security protection in Federal facilities such as nuclear plants and border facilities, national parks, and water projects. That will cost over \$1 billion.

Enhancements for highways: I believe if we are going to have a real stimulus package in this country, we are going to have to do something with job creation. It is not going to be done all on the tax side. We have to create jobs.

For every billion dollars, for example, we spend on highways, we create 42,000 jobs. So much needs to be done with our highways. This would be an immediate pick-up, an immediate stimulus to our economy all over America, whether it is New York or Nevada or any of the other 48 States. There are projects that have been designed, and the only thing holding up the projects from going forward is money. We would create hundreds of thousands of jobs if we decided to spend \$4 billion on these projects.

We could easily spend \$2.5 billion for enhancement of highways. We could allocate \$2.1 billion for clean and safe drinking water projects. Indian Health Service clinics and other initiatives need to be taken care of.

There needs to be a direct, strong movement to restore confidence in our economy. One way we can do that is to create jobs. The other way, and they go together, is to restore confidence in our homeland defense.

I have discussed with Senator Abraham, Governor Ridge, the head of the FBI, and the head of the CIA the need to have a place for training people who are part of our counter-terrorism task force. I am very provincial in this. I understand that. But the Nevada test site, where we set off 1,000 nuclear devices over the years, is a place as large as Rhode Island. It has mountains, valleys, deserts, dry lakes. It has a facil-

ity already there for testing chemical spills. It has huge dormitories and restaurants. It is a place that is waiting for some activity.

In addition to that, if we want to test hardened silos that Saddam Hussein and people in Afghanistan have dug and built, we can use a network of tunnels that have been built there for nuclear testing over the years that are miles long. So as part of restoring confidence in the economy, we should have this national terrorism center.

I only hope that we all understand that it is extremely important we not walk out of here with a stimulus package that is driven solely by tax cuts. I acknowledge that there are certain things we can do that are important on the tax side. There are other things we need to do. We need to look at those people who have been displaced in the September 11 aftermath.

Senator CARNAHAN offered an amendment on the airline security bill. It was a good amendment that failed on a party-line vote. That is too bad. We need to make sure before we leave here that the Carnahan amendment passes. We must do that.

We also must recognize that people who have been displaced not only have problems of unemployment, but they have no health insurance. We have to do something to extend COBRA or somehow to take care of COBRA.

While we talk about these extended unemployment benefits, we have to understand that unemployment compensation is a bridge to nowhere unless there is a job on the other end of it. We have to make sure we do something about that.

I spoke last evening to Senator NELSON of Florida. I have spoken to the two Senators from New York and other States who have an interest in tourism. That includes at least 30 States that have tourism as the No. 1, 2, or 3 most important economic forces in their States. We have to boost tourism.

There has been general agreement that we should look at a program to give a tax credit to people who travel—short-term, of course. We need to take a look and see if we need to restore the deductibility for business meals to stimulate the economy in that regard.

Senator DORGAN and I introduced legislation last week that would look at the ancillary businesses inside the airline business, such as rental car companies and travel agencies. These people also need a shot in the arm.

If we walk out of here this year and don't take into consideration the fact that we need to restore confidence in the economy by creating jobs and making sure people feel good about our homeland defense issues, we will have made a big mistake.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECESS

The PRESIDING OFFICER. Madam President, I ask unanimous consent that the Senate stand in recess until 2:15 today.

There being no objection, the Senate, at 12:23 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Ms. STABENOW).

The PRESIDING OFFICER. The Senator from Nevada.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WELLSTONE. Madam President, I yield to my colleague from New Mexico.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

Mr. REID. Madam President, I ask unanimous consent that the list I will send to the desk, once this consent has been granted, be the only first-degree amendments to H.R. 3061, the Labor-HHS appropriations bill, and that these amendments be subject to relevant second-degree amendments.

Mr. BROWNBACK. Madam President, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from New Mexico.

AMENDMENT NO. 2020

(Purpose: To provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits)

Mr. DOMENICI. On behalf of myself, Senator WELLSTONE, and Senator KENNEDY, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI), for himself, Mr. WELLSTONE, and Mr. KENNEDY, proposes an amendment numbered 2020.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

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

Mr. DOMENICI. Mr. President, I rise today to offer the Mental Health Equitable Treatment Act of 2001 as amendment to the fiscal year 2002 Labor-HHS bill. I am joined by my friend and partner in this endeavor, Senator WELLSTONE.

We are well aware of many of the arguments that will be made against our amendment. For instance, while the nation is rightly focused on recovering from the trauma and damage inflicted on September 11, it would be wrong to overlook this important issue because it is simply the right course of action to undertake. We are well past the time to act on extending and building on the federal mental health parity law that expired on September 30.

Others will argue that our amendment costs too much. However, CBO has scored our bill as costing less than one percent 0.9 percent and again passing this bill is long overdue and the right thing to do for the millions of Americans suffering from a mental illness. The number of Americans suffering from a mental illness or the number of family members affected by a mental illness has not magically decreased over the past couple of months.

We are ready for a vigorous debate on a host of issues, but I would like to begin by saying: Our bill has 64 bipartisan cosponsors; the HELP Committee reported out the bill on August 1 by a vote of 21-0; 144 organizations support the bill; and CBO has scored the bill as raising insurance premiums by 0.9 percent.

The human brain is the organ of the mind and like the other organs of our body, it is subject to illness. And just as we must treat illnesses to our other organs, we must also treat illnesses of the brain.

Building upon that, I would ask the following question: what if thirty years ago our nation had decided to exclude heart disease from health insurance coverage? Think about some of the wonderful things we would not be doing today like angioplasty, bypasses, and valve replacements and the millions of people helped because insurance covers these procedures.

I would submit these medical advances have occurred because insurance dollars have followed the patient through the health care system. The presence of insurance dollars has provided an enticing incentive to treat those individuals suffering from heart disease.

But sadly, those suffering from a mental illness do not enjoy those same benefits of treatment and medical advances because all too often insurance

discriminates against illnesses of the brain. More often than not, opponents of mental health parity argue the costs are too great. However, I would submit the cost of parity is negligible, especially, when contrasted with the cost impact upon society. The devastating consequences inflicted upon not only those suffering from a mental illness, but their families, their friends, and their loved ones.

Furthermore, the following are several additional costs that result from mental illness: 16 percent of all individuals incarcerated in State and local jails suffer from a mental illness; suicide is currently a national public health crisis, with approximately 30,000 Americans committing suicide every year; of the 850,000 homeless individuals in the United States, about one-third or 300,000 of those individuals suffer from a serious mental illness; and finally what about the people that are crying out for help and society only hears their cries after they have committed a violent act against themselves or others.

Just look, at the tragic incidents in Houston with the mother killing her five children, the Baptist church in Dallas/Forth Worth, and the United States Capitol to see the common link: a severe mental illness. Unfortunately, there is no place that a community can take these individuals for help. The police can do very little and likewise for hospitals.

Some of you may have seen last year's 4 part series of articles in the New York times reviewing the cases of 100 rampage killers.

Most notably the review found that 48 killers had some kind of formal diagnosis for a mental illness, often schizophrenia: 25 of the killers had received a diagnose of mental illness before committing their crimes; 14 of 24 individuals prescribed psychiatric drugs had stopped taking their medication prior to committing their crimes.

In particular I would point to a couple of passages from the series:

They give lots of warning and even tell people explicitly what they plan to do.

. . . a closer look shows that these cases may have more to do with society's lack of knowledge of mental health issues . . . In case after case, family members, teachers and mental health professionals missed or dismissed signs of deterioration.

Now let us look at the number of individuals suffering from some of the dreaded mental illnesses.

Major depressive disorder: 9.9 million American adults age 18 and older suffer from this disorder in a given year;

Bipolar disorder: 2.3 million American adults age 18 and older suffer from this disorder in a given year;

Schizophrenia: 2.2 million American adults age 18 and older suffer from this disorder in a given year; and

Obsessive—compulsive disorder: 3.3 million American adults age 18-54 suffer from this disorder in a given year.

However, medical science is in an era where we can accurately diagnose men-

tal illnesses and treat those afflicted so they can be productive.

I would ask then, why with facts like these would we not cover these individuals and treat their illnesses like any other disease? We should not.

Working together, we took a historic first step with the passage of the Mental Health Parity Act of 1996, but that law is also not working as intended. While there may be adherence to the letter of the law, there are violations of the spirit of the law.

For instance, ways are being found around the law by placing limits on the number of covered hospital days and outpatient visits. Consequently, Senator WELLSTONE and I have again joint forces and introduced the Mental Health Equitable Treatment Act of 2001.

The bill seeks a very simple goal: provide the same mental health benefits already enjoyed by Federal employees.

The bill is modeled after the mental health benefits provided through the Federal Employees Health Benefits Program and expands the Mental Health Parity Act of 1996 by prohibiting a groups health plan from imposing treatment limitations or financial requirements on the coverage of mental health benefits unless comparable limitations are imposed on medical and surgical benefits.

At 2:25 this afternoon, an amendment arrived at the desk. I read off the names of the cosponsors, but I did not name the bill. So let me do that. This bill is called a mental health parity amendment. Another way of talking about it is that it is the mental health parity bill put into an amendment form. So we will not have to wait any longer to have a national debate as to whether insurance companies in the future—not this year but one full year from now is the way we have drafted the bill—will or will not be able to insure people against their illnesses and/or diseases and provide less coverage for the mentally ill as defined in this bill than they do for other well-recognized diseases such as cancer, diabetes, whatever they may be.

That means the thousands upon thousands of American families who have young people in their teens with schizophrenia—well diagnosed, they are told by the medical people what they have, they are subject to treatment, to medication and, yes, a very long life of difficulty if, in fact, they do not have medication and treatment facilities in these great United States, the last group of Americans who have no health insurance because they are defined out of the coverage by the conventional approach to what is a disease and an illness and what is not. They are left out.

So if one goes to New York or Chicago or, yes, Albuquerque, and finds street people and watches them and looks at them and says, oh, my, what are they doing, they will find that fully between 33 percent and 40 percent are

sick. That is why they are there. They are sick and they probably have no insurance coverage, even though they are as sick as someone's next door neighbor who had a heart attack and is being taken care of in the best heart facility at the local hospital, and the insurance company pays the bill.

We have had a history in America of not covering the mentally ill under conventional, typical insurance coverage. Quite to the contrary, we have sat by and watched insurance companies—obviously they are doing the best they can and this is part of their business. They are remaining solvent and being able to insure people at the most reasonable prices. The insurance companies come along and say: Since we are not obligated to do so, we will not cover the mentally ill; or if we do, they will be covered with a much smaller total coverage number, and everything about the coverage will be less than what we cover for people with the ordinary diseases that we so often talk about, including the great strides being made in heart disease treatment, heart disease research, heart disease care, or any of the other diseases we are so free to talk about. Somebody is being taken care of. The insurance company is paying the bill. New buildings rise up to cover them because they are insured.

That is a great resource, coming directly from the back of the insured to the marketplace, the marketplace of paying for the best doctors, of paying for facilities. If somebody can pay for them, you are apt to build them.

What about the mentally ill? The mentally ill have no facilities to speak of—just a few—because nobody will pay for them. There are no specialty clinics to speak of. There is very little private sector involvement in building health facilities where the mentally ill can be taken to make sure they take their medicine and are cared for. In the ordinary language of the marketplace, there is no money in it. There is no money in it because the people are not insured.

Five plus years ago, my friend Senator WELLSTONE and I passed the first parity bill. It was partial parity. It caused the discrimination against the mentally ill under insurance policies to go away partially. It just expired. This bill, that is now in amendment form, passed out of the committee 21 to 0. A couple of Republican Senators want to offer amendments, and I am pleased they can offer them now, this afternoon. We tried our best to get the bill called up as a freestanding bill, hoping we would be given a day, 2, or 3 days. We could never get it done because there were some Senators—and it is their privilege and prerogative—who thought that we don't need to mandate coverage, even a year and a half from now, as we do here, and we do not need to cover the mentally ill that doctors define as having a brain disease and should have coverage. Some think their cause of not covering it is better served if we never get this bill up.

I understand what a great imposition this is on the appropriations process and on the two wonderful Senators managing this bill, but I don't see any other way to do it. There are millions of Americans who have worked through their organizations. There are 140 organizations in America supporting this legislation. Some have a special interest. Some will receive better payment for taking care of the mentally ill. Some, such as the National Alliance of the Mentally Ill, understand the plight of people with schizophrenia, the plight of people with bipolar diseases, the manic-depressive. They understand what parents are going through in America.

These diseases do not always strike the elderly or the young. As a matter of fact, one of the most dread of these diseases has a propensity for showing itself when our young people are teenagers, between the ages of 17 and 18, up to 25 or 30. At this age the disease causes a great disability and poses a major problem for care of a son or daughter. Across this land thousands of people have already gone broke, cashing out every asset they own, trying to take care of their child, while America looks on the insurance system and says: We cannot tell anybody what kind of insurance they should cover. We cannot tell any insurance company what they ought to cover. We take for granted that they will cover heart conditions, heart research, they will cover any of the other diseases we more or less call "physical" diseases. On the periphery sits the mentally ill with little or no coverage.

My good friend, Senator WELLSTONE, and I have been joined by 65 Senators. I sent this to the desk at 2:25. This is a very historic time. This amendment will pass, if not today, tomorrow. And today we will finally have made the Senate vote. I am convinced they will vote yes, let's get this started; get rid of this discrimination that has festered long enough in terms of the health coverage system of the United States. Before the day is out, I believe the number of Senators will go up, not down.

For those frightened for small business, the committee, headed by Senator KENNEDY, the committee we entrusted with our bill, which has the jurisdiction, has the authority to decide to send us a bill or not, decided, in order to have great unity and the first time through to get Democrats and Republicans on board, they would make an exception for small business. Everyone should know, all businesses with 50 employees or fewer are exempt; we are not mandating this coverage at this point. Small businesses that might be worried about this, or Senators who might be worried in their behalf, can read this bill. They will find that exemption.

There is much more to say. Taking this up at the end of the year does not do this bill justice. It is a major undertaking by the legislative branch of the U.S. Government, led by the Senate.

Nonetheless, we are going to proceed. To those who procedurally are determined not to let us have a straight vote, you will find a few changes in this bill from the language that came out of the committee. We wanted to make sure this bill was as protected as we could make it from procedural motions on the floor. It is not effective until the year 2003. That cures a lot of procedural problems some might have had. It is not subject to a point of order, a 60-vote point of order, because of that change and 2 or 3 other changes we made in order to see to it we got a straight up-or-down vote.

For the mentally ill, the schizophrenic whose family is desperately trying to take care of them, or someone suffering the great delusions that are typical, the mammoth delusions that are common for a schizophrenic or for the bipolar suffering—for some unknown reason, they can be in a very low mood and then as high as they can get, and in between the highs and lows is a great inability to live a normal life—this is the best we can do for those families in America, for those millions suffering. We have to offer it today. We have to get the Senate to say yes or no on whether coverage by insurance policies is part of the normal, everyday coverage for health care, whether or not it will include that portion of Americans.

Obviously, these dread diseases are not typical only to America. In any particular area where a group of humans live, there is a certain percentage who will turn up with schizophrenia. There is a certain group that will turn up with the enormous ups and downs of the bipolar disease I described.

There is also clinical depression, which probably has more victims than any other in terms of numbers. What does depression bring, along with the other two diseases I mentioned? A total loss of hope; suicides, which are growing in numbers, especially among teenagers. More times than not when that event occurs, the trail of symptoms indicates if they had been treated for depression, it probably would not have happened.

In any event, I am prepared to go on much longer and in much more detail.

For those who want us to delay consideration of this measure, I urge you to come down. See if I am correct. I don't think you have a parliamentary way of avoiding having the Senate vote. I don't think there is a way that you can make it subject to a point of order where we will need 60 votes. I don't believe there is a point of order with reference to the budgetary impact because we are able to understand in advance those kinds of procedural approaches. The bill is no longer subject to those kinds of procedural attacks.

We feel good about it. We would like to spend some time talking about the reality of this bill and what it will and won't do.

I close by saying the last argument that will come from those who oppose

it is: Can we afford it? I assume they will also say: We are now in a recession. So we really can't afford it.

I just told you it is not effective until 2003. We give everyone time to get out of the recession. Besides that, in terms of budgetary problems, the best estimate we have, and we will put it in the RECORD shortly, is the Congressional Budget Office saying when fully implemented, this may increase the cost of health insurance by nine-tenths of 1 percent. That is what the Congressional Budget Office says.

I have given you the small business exemption. I have given you the experts' cost. I have given you when it will come into effect. Later on we will discuss who is covered by it. That is still something to be discussed. Some will want to know whether we made it too broad, whether we covered too many people, and whether we covered them in language that is so vague so that the disease is not adequately defined. We think we have done all of those things.

We are pleased to engage later in the day with anybody who would like to talk about that.

I yield the floor. I thank Senator WELLSTONE for his help. We will be here this afternoon defending this measure as long as we are needed.

I yield the floor.

Mr. WELLSTONE. Madam President, I believe the Senator from Pennsylvania wants to speak. I will defer to him. I ask unanimous consent that I follow the Senator from Pennsylvania.

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

Mr. SPECTER. Madam President, I compliment my distinguished colleague from New Mexico for his diligent work over a very long period of time on this very important issue. When he talks about the measure, it is Senator DOMENICI, for himself, Senator WELLSTONE, and Senator SPECTER. I am second on the cosponsor list on his substantive amendment. When he asked me before submitting it whether I would be a cosponsor, I said that I wanted to wait and see the discussion.

The concern that I have is the moving of this appropriations bill. My colleague from New Mexico understands that full well. He is on the Appropriations Committee and is the chairman of the subcommittee. I think it is a bill which ought to be enacted. I believe there ought to be mental health parity. The reasons which he has given are very persuasive.

The concern I have is it is legislation on an appropriations bill, and the concern as to whether there are tax implications to include deductibles, coinsurance, copayments, and catastrophic maximums which would provide a basis for a so-called blue slip by the House of Representatives. We can handle that in due course. I am going to await the arguments.

I would like to find some way to accommodate this amendment. I am just not sure at this point that it is pos-

sible. But I wanted to express those views at this time. I know the Senator from Minnesota is waiting to comment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Madam President, I thank my colleague from Pennsylvania. I know in discussions with the Senator from Pennsylvania and Senator HARKIN from Iowa that we can go over all of the points. We have made a special effort to deal with it.

First of all, I thank my colleague, Senator DOMENICI from New Mexico. It has been my honor to have worked with him now for over half a decade on this question.

I believe the Senate will pass this amendment. When we pass this amendment, I think it will be viewed favorably by historians. I am not trying to be melodramatic.

There are 67 Senators, Republican and Democrat alike, who support this piece of legislation. It passed out of the HELP Committee by a 21-to-0 vote. There are 150 organizations that support it. There are two reasons.

First of all, this legislation is major civil rights legislation. We are coming to November 2001. When this amendment and bill pass, I believe we can keep it in conference. We will have passed a major piece of civil rights legislation which will say that we will no longer permit discrimination against those people who struggle with mental illness in our country.

This legislation says, when it comes to those who are struggling with this illness, there will no longer be discrimination. It is modeled after the Federal Employees Benefits Plan.

It basically says there will be the same requirements when it comes to deductibles, copays, and days in the hospital and outpatient visits.

I thank the Senator from Massachusetts as chairman of the HELP Committee for helping us get this through the Health Committee on a 21-to-0 vote. He and his staff have been there throughout all of the negotiations and work on this bill.

I thank Senator DOMENICI. Next to Senator DOMENICI, I thank Senator KENNEDY.

I think there is going to be an overwhelmingly positive vote because it is just wrong for someone who is struggling with this kind of illness to be told they are going to have to pay a higher copay, and they are going to have to pay a higher deductible. No health insurance plan will let them stay a few days in the hospital. No. They can only have a certain number of outpatient visits.

We will not do that with someone who suffers from a heart condition, nor to someone who is suffering from diabetes, nor to someone who broke their ankle. We don't say to them they are going to be in the hospital only 1 day and that is it, or 2 days and that is it. Nor would we charge them high copays and deductibles to the point where they can't afford it.

We have to end the discrimination. It is 2001. The time has come for this idea.

The Surgeon General in his report said close to 20 percent of American people struggle with this illness and 18 million people struggle with depression.

I have had the honor of working with Al and Mary Kluesner from Minnesota. They started an organization. It is now a national organization. It is called SAVE. Two of their children committed suicide. They have two children who are doing spectacularly well.

Up until very recently, a lot of families, parents, brothers, sisters, husbands, and wives blamed themselves when they lost a loved one who took their life. There has been this shame. People have blamed themselves. But now we know a lot more. Now we know how much of that is biochemical. Now we know it can be diagnosed. Now we know it is treatable. The success rate for treatment of those who are struggling with depression is 80 percent.

Kay Jamison, a psychiatrist at Johns Hopkins who has tried to take her life twice, has written several powerful books. One book is called "An Unquiet Mind" about her own experiences. Just a month ago she received the McArthur Award—the genius grant—for her work. She has written about the gap between what we know and what we do. It is lethal.

The Kluesners became involved and people all across the country have become involved. They no longer will accept the stigma. They no longer will accept the discrimination. They have come out of the closet. They have come out of the closet to speak for their loved ones because they know it is a matter of life or death.

If we would end the discrimination, we would get the care to people; we would save some lives.

Suicide is the third leading cause of death among young people in our country. In Minnesota, it is the second leading cause of death.

So much of this can be diagnosed. So much of this is preventable. That is why this amendment and this legislation is so important.

It is not just a question of civil rights. It is not just a question of saying it is the end of discrimination. It is also a question of what we can now do as a nation. Because if our health care plans—modeled after the plan that we participate in, the Federal Employees Health Benefits Plan—say there will be no difference in terms of the way we treat this illness versus any physical illness, then, I say to Senator DOMENICI, the care will follow the money. Once the health care plans provide the coverage, you will have an infrastructure of care out there for people that we do not have right now.

There will be arguments and counterarguments, and I am ready for all of them.

Let me just make a couple more points because I will be in this Chamber for a while with this amendment,

and other Senators are in the Chamber right now.

There was a young woman named Anna Westin. Her mom and dad, Kitty and Mark Westin, have brought parents together as well. They have brought parents together because their daughter—a beautiful young woman—struggled with anorexia. Same issue: She tried to get coverage from the plan. It was the Blue Cross/Blue Shield plan in Minnesota. They could not get the coverage for the days in-hospital that she needed to be there. They lost their daughter.

By the way, Blue Cross/Blue Shield has made a settlement with them and is going to do much better in terms of providing the coverage. I cannot make a one-to-one correlation and say because she did not get coverage, therefore, Anna took her life. But I can tell you this: I have met with parents, I promise you, all across the country who have told me about what it means when they cannot get coverage to take care of their children.

I went down to Houston; and SHEILA JACKSON-LEE had a hearing she wanted to do with me. It dealt with mental health and children. It was unbelievable the number of people who came who wanted to speak about their desperate story with their own children. At this public hearing, the guy who was the head of the corrections system for one of the largest counties in the United States of America—I could not believe what he said—said: I am a law and order person. Nobody seemed to doubt that. And he said: I want to tell you, a lot of people believe that if these kids are locked up in our facilities, they have done something wrong. He said: I want to tell you—I think the figure he used was 40 percent—40 percent of these kids, if they had gotten some help, would not even be in jail. They should not be locked up. It is the only place the parents can get any help for them.

There was a time when we talked about how we institutionalized people, we warehoused people struggling with mental illness—adults and children in institutions. Now we are warehousing them in our jails, and many people should not be there—many children should not be there.

So this legislation ends the discrimination for a broad range of mental illnesses that affect adults and children.

This legislation has an exclusion for small business so that businesses are not covered unless they have 50 employees or more.

This bill has been scored by CBO as costing no more than a 1-percent increase in premium. Then there is the benefit of what happens when we finally end the discrimination and what happens when we finally provide the coverage for people.

We had testimony—my last point because I will have a chance to speak later—before the HELP Committee, I say to Senator KENNEDY. There were a number of people who came in—I wish

I could remember all of their names: doctors, psychiatrists, social workers—and they were talking about the aftermath of September 11. I am not mixing agendas. I am being as intellectually honest as I can.

One woman, who worked with the firefighters, said: I want to tell you that given what people have gone through, you are going to have to have an infrastructure of mental health care. Her name is Dr. Kerry Kelly. She talked about her experiences with her onsite work as chief medical officer of the New York Fire Department. She just basically said: Look, we are going to need a lot of help for family members. And people have been saying that all across the country.

So, I say to colleagues, please consider this legislation civil rights in ending discrimination. Colleagues, please consider this legislation as a way of finally providing the care to men, women, and children who, if they are provided with the care, can go on and lead good, productive lives. And, colleagues, also please consider this legislation preparedness legislation. The truth is, no longer, when we talk about health care for adults or health care for children, or public health, or what we have to do, can we not consider mental health part of the cake. It is part of how we deliver humane and dignified and affordable health care to people in the country.

This is about as important a piece of legislation as I think we can pass. But, look, I have my biases. I came here as a Senator who has a brother who has struggled with this illness all of his life. When I was elected in 1990, I thought if there was one thing I would try to do, for sure, I would try to end this discrimination in coverage. For sure, I wanted to make sure that people were able to get the help they needed.

I have had a chance to work with Senator DOMENICI for over half a decade. And I have had a chance to work with Senator KENNEDY for over a decade. Now is the moment where we can pass this legislation as a part of this bill. And I think we can keep it in conference. This would be a huge step forward for our country.

We need each other as never before. There is an ethic going on in this country about the ways we can help one another. I think that is all for the good in the most difficult of times. This would be the best possible way of living up to this value and this ethic, to adopt this amendment with an overwhelming vote.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all, I congratulate and thank our two leaders in this extremely important bill in the area of health policy—Senator DOMENICI and Senator WELLSTONE—for ensuring that the Senate will have an opportunity to address

one of the most compelling health care issues we are faced with in our society. I thank them for their constant support on this issue over the years.

We have had debates on mental health parity on a number of different occasions, but with the shaping and the fashioning of this amendment, this really is the moment of truth on this issue. This is the time to take action.

Senator DOMENICI and Senator WELLSTONE deserve all of our thanks for their leadership and the work they have done. I would also thank those who have been a part of the process in helping us develop the legislation, the scores of families who came and testified and shared some of the great personal challenges they have faced as they have dealt with the challenges of mental illness in their families, deserve a great deal of credit.

We express to them that the best way we can ever thank them for being willing to share some of the great challenges they have faced over a lifetime of care and dedication and commitment—and in a number of instances financial ruin—is to have real parity in our health care system. This legislation will do that for us.

I was listening to both of our colleagues and remember so much of the similar debate we had back in 1996 on the HIPAA legislation, when both Senator DOMENICI and Senator WELLSTONE brought these matters to the floor of the Senate at that time. A number of our colleagues spoke with great passion and great commitment, and we thought we had made a substantial downpayment in moving us irrevocably in that direction. But, nonetheless, we were not able to do so because there were those who were able to find ways of circumventing the legislation and finding ways of subverting both the intent and, for me personally, even the letter of the law. The Senate voted for it overwhelmingly, Republican and Democrats alike.

Over the years, this body has been somewhat slow in finally responding to science rather than ideology. For years, those who were challenged mentally were too often put aside in our society and denied a position of respect and dignity. They were shunned. They were looked down on. They were pitied. They were, in many instances, abused. Their lot was not a good one in America.

Then, more recently, that attitude has changed. I would like to believe there has been a new sense of respect for the valuing of individuals on the basis of their character rather than, as was used with these words, “the color of their skin” or their gender or their ethnicity or their disability. We have made important progress.

What we have seen over time is corresponding progress in being able to deal with the challenges of mental illness. We have made real progress. Now there is really no excuse whatsoever. Now there is no reason whatsoever to deny the Senate the opportunity this

afternoon to move toward true equality and true parity in terms of mental health.

If we look at some of the mental disorders that are most common in terms of challenges to our communities, one is bipolar disorder, another is depression. Compare those to the physical disorders of hypertension and diabetes, common illnesses, common challenges we face; you find that the treatment success rates for these chronic diseases of bipolar disorder and depression far exceed those for hypertension and diabetes. This is true across the board. Not everyone understands it; not everyone believes it. But increasingly, the medical information and testimony and results indicate that mental illness is treatable. It is such a statement of hope for families to know that, if they get the appropriate treatment, they can free the individuals facing these challenges from some of the torments they are facing in the course of their lives. We have made enormous strides. We are making enormous strides.

Our two colleagues share my belief that we are at the time of the light science century—with the mapping of the DNA, stem cell research, and all sorts of recent exciting medical breakthroughs. We view the opportunities for continued progress in this area, such as in the year of the brain, where we have had very profound research and discoveries on what impacts thought process in people's minds. We have made enormous progress, not only in understanding but also in dealing with these issues.

The question is, why not have parity? It is so compelling and so necessary.

I will digress for a moment and thank our colleagues for bringing this to our attention at this time in our country's history. All of us still are sensing the powerful emotions we felt on September 11. We know anxiety still exists for so many families, not only as a result of the particular enormous tragedy that was so devastating to so many families but also its impact on our Nation as a whole and, more recently, the challenges we are facing in terms of the dangers of Anthrax. We know it has only directly affected some 15 of our fellow citizens, but we know that the fear and the anxiety among our fellow citizens is significant.

I dare say, this anxiety has impacted no group more than the children of our country. They are feeling this enormous anxiety. They are feeling it not only as a result of September 11; they are also feeling it with regard to the threats of Anthrax and the whole threat of bioterrorism. There is a lot of anxiety in America today.

We don't expect this bill to solve all of the problems, but what it will do is give the stamp of the U.S. Senate. Any fair review in the reading of the record is going to reflect very clearly that there are ways of providing assistance to those who need the attention and the care and the guidance and the support and the treatments that are out there for American families.

The most obvious ones are those that have been involved in the current rescue efforts at ground zero and their families. Having had an opportunity the other evening to talk to the head of the firefighters union and to listen to him for a short period of time, I could already see that the challenges that are going to be faced by so many of the families involved are going to be severe.

We know that challenges still exists. We know now in recent years enormous progress has been made in understanding the very challenge of mental illness and mental disease. We know extraordinary progress has been made.

The only reason for not accepting this amendment may be the issue of cost. It always comes around to the issue of cost. At least it comes around so often by those who want to resist legislation.

That argument does not stand up in this case. We have experience in a number of the States on this issue. In our committee, this was raised as an issue. And we agreed to raise the exemption from companies with 25 employees or less up to companies of 50 employees or less. That means approximately half of all working families in this country will effectively be covered, but there will still be many others left out. I regret that, quite frankly. But I am satisfied that if we get this in place and we have the results that I know will come, we will be right back in a very short period to extend the exemption from employers of less than 50 down to 25.

The fact is, 23 States have passed parity laws. There is absolutely no evidence that any of them have experienced any significant increase in costs. We know that now as fact. We are not dealing with theories, estimates, or judgments by those who are opposed to it. We are dealing with facts. The facts are as I have stated; there has not been a significant increase in cost.

The Senators from New Mexico and Minnesota would agree with me that with an effective program providing mental health parity, you are probably going to see a reduction in the cost of health care because when you treat the mental health challenges and the illnesses for individuals, more often than not, it has a very positive impact in terms of other physical disabilities.

Those studies have been presented before our committee, and I am absolutely convinced that even though this is going to provide additional kinds of treatment for individuals who need it, the overall bottom line is going to be savings in health care expenditures. We have seen examples of it. I won't take the Senate's time right now to go into those studies, but a very compelling case has been made.

If you think back to it logically, you will see the reasons for it. The first reason is to assist families and individuals by increasing the nation's capability to provide mental health services to Americans who need it. It is a

grave mark on our national consciousness if we have the ability to assist these families and we do not do so. This legislation will ensure that we are going to do it.

Secondly, with the progress that has been made with these breakthrough treatments and medicines, we have the chance to make a important difference to our fellow citizens in their lives and the lives of their families and to have an enormous positive impact on our fellow citizens.

Finally, this is not going to be an additional burden in terms of cost. This is a compelling case. It has been made eloquently and passionately by two of those who have given their commitments and the force of their arguments—Senators DOMENICI and WELLSTONE. They have made this case time in and time out. It is time for the Senate to act. It is essential that we act, and I hope this will pass overwhelmingly.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I am happy to be a cosponsor of this amendment.

First of all, I wish to express my gratitude for the leadership shown by Senator WELLSTONE and Senator DOMENICI. They brought to the Senate, with this unique partnership they have formed, something that will be long remembered. They are from different political parties, two individuals with different views on almost everything in political life. In the last 6 or 7 years in the Senate, they have brought together something that has been very dynamic. As a result of their leadership, laws have been changed in this country, attitudes have been changed in this country, and the entire United States owes a debt of gratitude to these two men.

We have all had experiences with diseases where we may have said, yes, my cousin, my brother, my father, or my neighbor had this same disease—whether it is cancer, heart disease, whatever the condition—a medical problem with which we have all had experience. If we are honest with ourselves—and we are becoming so—if we talk about mental illness, it is the same thing.

How many of us have relatives who have clinical depression? Lots of us. How many know of members of our families who have bipolar disorders? That is a relatively new term but something we understand. The same applies—whether it is cancer or heart disease, it applies to this.

I have been stunned by how many people have been affected by a suicide. It is no secret in this body that my father committed suicide. It is no secret that it took a long time for me to acknowledge it publicly and talk about my father's death. But since I have, every place I go, people come to me and relate stories. For example, I was at a TV interview in Las Vegas. One of the anchors who did the interview said: May I speak to you afterward? I said sure, and I waited. Her brother committed suicide. Every place I go, people

come up to me and say their mother, father, brother, or sister committed suicide. We know at least 31,000 people each year kill themselves. There are really more because there are automobile accidents and other kinds of "accidents" that are not counted, but they are suicides.

Many people deny that their loved ones have committed suicide. I try to have them be as forthcoming as I should have been many years ago about my father. It affects us all.

That is what this amendment is all about—parity, making sure that heart disease is treated no differently than depression that leads to suicide.

There is a tendency of some to think these problems are identifiable at a given age. Well, the sad reality of it is that mental illness doesn't appear at any certain age. Children have mental disorders, mental problems. Teenagers develop them. People in their twenties and thirties have them.

Here are two examples. There is a woman I have gotten to know in Washington—a 78-year-old widow. She is a very pretty woman. Her husband was extremely well educated. She has two sons. They both were happy, with good jobs, in good professions. While in their forties, they developed mental illness—both of them. Now she cares for her two sons. She is 78 years old. I visit her at least once a month. Some months they are in better shape than in other months. They are under medication and treatment. But it has affected her life dramatically.

I often wonder what is going to happen. In fact, I don't know about the one son. One, I know, was happily married with children before he got sick. Now he is divorced. I often wonder what is going to happen to these men after this woman passes away.

Another example is somebody I knew who was a great athlete in high school, a high school all-American, college all-American, a professional athlete. I wonder what happened to him. All of a sudden, I didn't see him on the roster and wondered what happened to him. He is in an institution—a mental institution. Who would ever guess it? I will not mention his name. Who would ever guess he would have been in a mental institution—this fantastic athlete, tough, hard, and so good. He is in a mental institution.

I recognize that there needs to be more done so that we accept mental illness more. That is what this legislation is all about. That is what mental parity is. That is the name these two men—Senators WELLSTONE and DOMENICCI came up with, "mental parity," or mental fairness, to treat diseases the same, whether it is heart trouble or depression.

We are doing better than we were. One reason we are doing better, in my opinion—the one to which I have devoted so much time, suicide—is we have a man who is the Surgeon General who is a tremendous person. All we had to do was talk to him about suicide and

he knew something had to be done. Dr. Satcher has worked tirelessly, since he became Surgeon General, to bring about change. He has worked with us to make sure there was money to study the causes of suicide. We don't know why people commit suicide.

You would think the suicide would be in States—and I say this without any denigration whatsoever—where it is dark and cold in the wintertime, such as North Dakota, Minnesota, South Dakota, these cold States, but it is not.

It is not. Suicide is west of the Mississippi, in States where the Sun shines a lot, wide open plains and places for people to get outdoors. The 10 leading States in suicide are west of the Mississippi. We do not know why, but we are studying why, and we hope to learn more.

In the Senate, we have passed resolutions recognizing the problems with suicide. We are appropriating some money now. We are doing better.

To show this is a serious problem, I have a statement that indicates that a telephone survey conducted by the Pew Research Center of the people and the press a few days after the attacks on September 11 found that 71 percent of respondents reported being depressed, 49 percent said they had difficulty concentrating, and 33 percent reported insomnia.

We have all talked to our friends and relatives who after this attack are having trouble sleeping. For the first time these people are having trouble sleeping.

In another study conducted 3 weeks after the attacks, respondents said they were depressed, and 20 percent 3 weeks after of the events said they were having trouble sleeping.

There should be full parity for mental illness. We have to make sure, as has been discussed today, that companies, businesses, and government do not try to figure out some way to get around this. They should not do that. It is the intent of this amendment that people with mental illness be treated as well, as fairly, and as equally as people with medical illnesses. That is the purpose of this legislation.

If, in some subsequent time, someone is trying to figure out the congressional intent, the intent of this is to have mental parity, to have people who have mental illness treated the same as people with a medical illness.

Again, I express my appreciation to the people who have us talking about this issue, Senator WELLSTONE and Senator DOMENICCI. But for their advocacy, we would not be here today and we would not have been doing things in the past 5 years. It is because of them we are considering this amendment. I am personally indebted to them for the work they have done to help those with no voice, to help those with no lobbyists, to help those who cannot help themselves.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask unanimous consent to be added as a cosponsor of the amendment.

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

Ms. STABENOW. Mr. President, I am proud to be a cosponsor of the legislation and to add my name to this amendment. I join with others who have thanked Senator DOMENICCI and Senator WELLSTONE for their diligence and dedication on what is an extremely important issue. It is extremely important to all of our families.

I have been involved with mental health issues all of my adult life, starting when I was in the State House of Representatives in Michigan chairing the Mental Health Committee and writing legislation we have in place in Michigan for children, families, and adults. But today I rise in support of this amendment because of my personal situation.

My father, who was an extremely loving and wonderful man, a businessman in business with my grandfather in a car dealership in Eau Claire, MI, when I was growing up, in his mid-thirties found himself being diagnosed a manic-depressive. At first, we did not know what that meant in terms of the highs and lows he was experiencing.

At that time—it was the midsixties—there was very little available in the community. It mostly was hospitalization for anyone who had any kind of mental health problems. We did not have a lot of money. Our family was not a wealthy family, and we struggled with attempts to get my father adequate care.

One of the things we learned as we moved through this disease with him was that mental illness is as physical as any disease that is now covered by our insurance system. If you are a manic-depressive, that means you have chemicals in your brain that are off balance. They provide too much of a stimulus that causes one to be awake, to go into a manic state; it causes then too less of a stimulus, so one goes into a depression and they may swing back and forth.

Just as we have now developed medicines to help those who have cancer and diabetes or those who have Parkinson's or Alzheimer's disease—and we are moving on all kinds of fronts to develop new medications—we have medicine now for those who are diagnosed manic-depressive.

When my father was finally able to find someone who understood his disease, there was something developed called Lithium, and he had the opportunity to begin taking that medication each month. He was able to go back to his normal life. He was able to work and function and be a part of the community because this was a physiological disease that was treatable by medication.

We know, whether it is schizophrenia, manic-depression, or other diseases, that we are talking about imbalances in the brain. These are physiological changes. These are health problems, as much of a health problem as diseases that are covered by insurance.

I cannot think of anything more basic than finally, in 2001, understanding in our health insurance system what we have now known in the medical community for years, and that is: If we provide treatment, we can treat those with mental illnesses as well as physical illnesses with great success.

My colleagues have spoken to the fact if we do not do that, we will treat them in our jails, we will treat folks who are homeless and under the bridges sleeping at night. There will be some way that those who have mental illnesses will find themselves in situations where they will be reaching out, and we will be addressing it in some way in the community. The question is, do we do it in a positive way in the health care system where it needs to be addressed or will we be addressing it in some other way that is not positive?

I hope we will all come together. It would be wonderful to see everyone coming to the Chamber and supporting this long overdue amendment on mental health parity. I hope my colleagues understand this has been worked out. This is a bill that has been balanced. For those concerned about small business, this is legislation addresses those companies with less than 50 employees being exempt, that there is a year delay—there is a lot that has been put together in this amendment.

I compliment my colleagues who have worked so hard to come up with a balanced approach and yet proceed with the principle of mental health parity. In this day and age, shame on us if we do not understand the variety of ways in which someone can become ill and require our health system to address those equally. It is long overdue. I strongly urge adoption of this amendment.

I again thank my colleagues who have come forward and have fought so diligently for this principle for so many years.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to the Senator before she leaves the Chamber, I thank her very much for her remarks. I have been very amazed in the 5 or 6 years I have been involved with mental illness issues as it pertains to Federal policy, as it pertains to State law, the more I go out and meet people, whether it is in a town-hall meeting where a lot of people from all walks of life come, or whether it is a special event where somebody is being honored and there is a lot of glitter around, or even if you go to New York for some kind of event and you are meeting the people of swank New York, wherever and whenever, you always have more than one person walk up and tell you about their family—schizophrenia, manic depression, clearly depression, especially among young people, always somebody brings that up.

To be honest, it is so common as an illness that it is hard for this Senator

to believe we are in this year, 2001, still letting people write insurance policies and act as if heart conditions and all the research that goes with it should be covered, even build hospital clinics because insurance companies are so willing to pay because that insurer carries all of his resources on his back and builds new hospitals, builds new clinics, builds new techniques, builds more research, but all of these people who walk up to us and tell us their story, there is no money, there is no coverage.

Some people will take that as this is a big philosophical difference. They would say to Senator DOMENICI on the Republican side, why do you want to tell anybody what to do? Why do you want to tell insurance companies what to do?

Frankly, I think when we started this process of what will insurance companies cover and what they will not, I asked a question of those who think this is philosophical: What if we would have said a heart condition is not covered by insurance. Why? Because the heart is part physical and it is part spiritual, and we do not know enough about it so let us not cover it.

What do you think we would be doing today? Do you think we would get to 2001 in American chronology and we would still be having insurance companies say they are not covering heart conditions because 41 years ago they should not have covered heart conditions because, after all, it is part spirit and part physical?

Those who oppose this legislation want to leave the millions of Americans with severe mental illnesses right where they have been for decades. They do not want to acknowledge there is treatment, that it is costly, that one can get well, and that it is defined as brain disease in many parts of the medical community.

It is not something that is unlike any other illness. It is very much like a lot of illnesses. It has a huge number of qualities that are the same as mental illnesses that we are so concerned about that we would not let an insurance company get by without covering them to the maximum. We would have them here and we would be citing them for some kind of contempt of America if they did that, I would think.

So when the Senator from Michigan joins us and tells us the real facts, it begins to show signs that the message is getting through.

Let me give one more example. When President Kennedy was the President, we were engaged in a very serious national effort with the severely mentally ill who were locked in cages. We could tell a whole story about that terrible part of American health care. As an ironic situation, I might say they are no longer locked in cages as they were. At that point in history, we decided that could not be done, they had to be let out.

Now more of the seriously mentally ill are in jails in America than they are

in hospitals. They are not in the cages. They are in jails because there is no place else to put them. They are getting arrested for malfeasance, most of it small. When it gets to the big crimes, we have a national argument about whether or not they are mentally insane when they commit mass murder.

In any event, the reality of it is we decided way back then that we were going to treat the mentally ill differently. But what we thought would happen was that across America there would be clinics, there would be facilities built that would let the doctors treat the mentally ill in a modern, hospitable, decent manner, not in the dungeons of the past.

Guess what happened. Nobody put up any money. Now one would say: Well, who should put up money? Either the Government ought to pay for some facilities or there ought to be some coverage if it is an illness so that the insurance companies would pay for it based upon it being carried by the mentally ill person. When they get sick, the insurance comes into play. With that, the private sector may build many facilities for the mentally ill. It is not going to happen until we do that.

I thank the Senator so much for her remarks today. They were right on, from this Senator's standpoint, and very relevant.

Ms. STABENOW. Will my friend yield?

Mr. DOMENICI. I yield.

Ms. STABENOW. One more time, I thank the Senator from New Mexico for his commitment on this issue and the way he is able to explain the importance of it.

I stress, along with the Senator, if we had private insurance coverage, then the facilities would be there. They would know there is a way for this to be paid for and, in fact, as we do with other kinds of health insurance, the hospitals would know there is a reimbursement system, the physicians would know there is a reimbursement system, and they would know as well there would be for these mental illnesses.

I thank the Senator for his wonderful commitment and leadership, as well as Senator WELLSTONE. I am hopeful we can move forward and that this can truly be a historic day.

Mr. DOMENICI. I send to the desk a list of cosponsors. There were 65, plus the Senator from Minnesota and the Senator from New Mexico.

The PRESIDING OFFICER. The cosponsors will be added to the amendment.

The list is as follows:

COSPONSORS

Wellstone, Kennedy, Reid, Stabenow, Akaka, Baucus, Bayh, Bennett, Biden and Bingaman.

Boxer, Breaux, Byrd, Cantwell, Carnahan, Carper, Chafee, Cleland, Clinton, Cochran and Collins.

Conrad, Corzine, Daschle, Dayton, DeWine, Dodd, Dorgan, Durbin, Edwards, Feinstein and Frist.

Graham, Grassley, Harkin, Hatch, Hollings, Inouye, Jeffords, Johnson, Kerry, Kohl and Landrieu.

Leahy, Levin, Lieberman, Lincoln, Lugar, Mikulski, Miller, Murray, Nelson (FL), Reed and Roberts.

Rockefeller, Sarbanes, Schumer, Shelby, Snowe, Specter, Thomas, Torricelli, Warner, Wyden and Stevens.

Mr. DOMENICI. There are 154 organizations that indicate the time has come when we ought to do this, and I ask unanimous consent that this list of organizations be printed in the RECORD at this point.

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

154 ORGANIZATIONS SUPPORTING S. 543, THE DOMENICI-WELLSTONE MENTAL HEALTH EQUIVAILABLE TREATMENT ACT OF 2001

Alliance for Children and Families, American Academy of Child and Adolescent Psychiatry, American Academy of Family Physicians, American Academy of Neurology, American Academy of Pediatrics, American Academy of Physical Medicine and Rehabilitation, American Academy of Physician Assistants, American Academy for Geriatric Psychiatry, American Association for Marriage and Family Therapy, and the American Association for Psychosocial Rehabilitation.

American Association of Children's Residential Centers, American Association of Pastoral Counselors, American Association of School Administrators, American Association of Suicidology, American Association on Mental Retardation, American Board of Examiners in Clinical Social Work, American Congress of Community Supports and Employment Services (ACCSES), American Counseling Association, American Family Foundation, and the American Federation of State, County and Municipal Employees.

American Federation of Teachers, American Foundation for Suicide Prevention, American Group Psychotherapy Association, American Hospital Association, American Jail Association, American Managed Behavioral Healthcare Association (AMBHA), American Medical Association, American Medical Rehabilitation Providers Association, American Mental Health Counselors Association, and the American Music Therapy Association.

American Network of Community Options and Resources, American Nurses Association, American Occupational Therapy Association, American Orthopsychiatric Association, American Osteopathic Association, American Political Science Association, American Psychiatric Association, American Psychiatric Nurses Association, American Psychoanalytic Association, and the American Psychological Association.

American Public Health Association, American School Counselor Association, American School Health Association, American Society of Clinical Pharmacology, American Therapeutic Recreation Association, American Thoracic Society, America's HealthTogether, Anxiety Disorders Association of America, Association for the Advancement of Psychology, and the Association for Ambulatory Behavioral Healthcare.

Association for Clinical Pastoral Education, Inc., Association of Jewish Aging Services, Association of Jewish Family & Children's Agencies, Association of Maternal and Child Health Programs, Bazelon Center for Mental Health Law, Catholic Charities USA, Center for Women Policy Studies, Center on Disability and Health, Center on Juvenile and Criminal Justice, and the Central Conference of American Rabbis.

Children and Adults with Attention-Deficit/Hyperactivity Disorder, Children's De-

fense Fund, Child Welfare League of America, Christopher Reeve Paralysis Foundation, Clinical Social Work Federation, Commission on Social Action of Reform Judaism, Corporation for the Advancement of Psychiatry, Council for Exceptional Children, Council on Social Work Education, and Dads and Daughters.

Disability Rights Education and Defense Fund, Inc., Division for Learning Disabilities (DLD) of the Council for Exceptional Children, Easter Seals, Eating Disorders Coalition for Research, Policy & Action, Employee Assistance Professionals Association, Epilepsy Foundation, Evangelical Lutheran Church in America Lutheran Ofc. for Governmental Affairs, Families for Depression Awareness, Families U.S.A., Family Violence Prevention Fund, Family Voices, and the Federation of American Hospitals.

Federation of Behavioral, Psychological & Cognitive Sciences, Federation of Families for Children's Mental Health, Friends Committee on National Legislation (Quaker), Inclusion Research Institute, International Association of Jewish Vocational Services, International Association of Psychosocial Rehabilitation Services, International Community Corrections Association, International Dyslexia Association, Jewish Federation of Metropolitan Chicago, and Kids Project.

Learning Disabilities Association of America, MentalHealth AMERICA, Inc., NAADAC, The Association for Addiction Professionals, National Association for the Advancement of Colored People (NAACP), National Association for the Advancement of Orthotics & Prosthetics, National Association for Rural Mental Health, National Association of Anorexia Nervosa and Associated Disorders—ANAD, National Association of Children's Hospitals, and the National Association of Counties.

National Association of County Behavioral Health Directors, National Association of Developmental Disabilities Councils, National Association of Mental Health Planning & Advisory Councils, National Association of Protection and Advocacy Systems, National Association of Psychiatric Health Systems, National Association of Psychiatric Treatment Centers for Children, National Association of School Nurses, National Association of School Psychologists, National Association of Social Workers, and the National Association of State Directors of Special Education.

National Association of State Mental Health Program Directors, National Center on Institutions and Alternatives, National Coalition Against Domestic Violence, National Coalition for the Homeless, National Committee to Protect Social Security and Medicare, National Council for Community Behavioral Healthcare, National Council on Suicide Prevention, National Depressive and Manic-Depressive Association, National Down Syndrome Congress, and the National Education Association.

National Foundation for Depressive Illness, National Health Council, National Hopeline Network, National Law Center on Homelessness & Poverty, National Mental Health Association, National Mental Health Awareness Campaign, National Multiple Sclerosis Society, National Network for Youth, National Organization of People of Color Against Suicide, and the National Partnership for Women and Families.

National PTA, National Therapeutic Recreation Society, NISH (National Industries for the Severely Handicapped), Presbyterian Church (USA), Washington Office, Samaritans of The Capital District, Inc. Suicide Prevention Center, School Social Work Association of America, Service Employees International Union, Shaken Baby Alliance,

Society for Personality Assessment, and the Society for Public Health Education.

Suicide Awareness Voice of Education, Suicide Prevention Advocacy Network, The Arc of the United States, Tourette Syndrome Association, Unitarian Universalist Association of Congregationalists, United Cerebral Palsy Association, United Church of Christ, Justice and Witness Ministry, United Jewish Communities, Volunteers of America, Yellow Ribbon Suicide Prevention Program, and the Youth Law Center.

Mr. STEVENS. Will the Senator yield?

Mr. DOMENICI. I am pleased to yield to the Senator.

Mr. STEVENS. Mr. President, I ask the Senator from New Mexico if this has been scored by the Office of Management and Budget?

Mr. DOMENICI. Yes, it has.

Mr. STEVENS. What would be its impact on fiscal year 2002?

Mr. DOMENICI. No impact on the year 2002. We have made the bill operative and effective in 2003.

Mr. STEVENS. Mr. President, I want to confer with the distinguished chairman of our committee, but we reached a firm agreement we would not exceed 686 for this year, and I do not know how that impacts taking on a bill that will start impacting 2003. What would be the impact in 2003?

Mr. DOMENICI. Over \$150 million a year. We knew of the agreement and the binding nature of our agreement, and I felt bound by it in terms of how much money for 2002, and I think that is literally for 2002 but not 2003, 2004, or 2005. So we changed the effective date to 2003 in the amendment before it was sent to the desk.

Mr. STEVENS. I must express my reservation until we reach an understanding about how this will impact the agreement we made with the Office of Management and Budget and with the House on this bill. It does add out-year expenditures, as I understand it. The Senator has indicated it does not impact 2002. I reserve judgment on this amendment.

I am a cosponsor of it. I think the bill itself is a worthy bill, and it basically is an entitlement program. It is not an appropriation, as I understand it.

Mr. DOMENICI. The Senator asked me a question, and I want to answer this way: Frankly, most of this bill is going to be taken care of by insurance companies paying insurance bills, but there is some U.S. Government responsibility because it reduces the receipts in certain areas that would have otherwise come in because of the overall costs. We knew in 2002 it was subject to a point of order because, in fact, there is a cap in 2002. There is no cap for 2003 and the years beyond, and for that reason we do not believe a point of order lies in the outyears, nor do we think anybody is bound to reduce appropriations by that amount in the outyears.

We are prepared at some point to exchange serious discussions, if anyone wants to do it, on this issue.

I yield my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I, too, thank the Senator from Michigan.

Mr. WELLSTONE. Above and beyond the National Mental Health Association and the National Alliance for the Mentally Ill, there is a Fairness Coalition of Mental Health, and other children, education, law enforcement, and labor organizations all behind this legislation. There is a broad range of organizations supporting the legislation.

I point out to colleagues the legalistic language of the bill. This bill is modeled after the Federal Employees Health Benefits Program in which we participate. It says to a group health plan: Do not treat mental health benefits differently from the coverage of medical and surgical benefits. You have to treat it the same way. The legislation does not mandate that a plan provide mental health coverage but says if you have mental health coverage, you have to treat it the same way or have the same coverage as for physical illness. That is why it is called a parity bill.

There are still important steps to take, which I hope someday we will, so all the people in our country who have no coverage will be treated. This legislation for over 100 million would make an enormous difference.

The cost to the Nation is enormous. Additional health care costs occur when people cannot get the coverage they need, and they wind up in the emergency room or it leads to other illnesses. There is a productivity loss from people who struggle with illness and get no help. There are the social costs of crime: When people do not get treatment, they cannot work or they wind up homeless. We have a lot of homeless people struggling with mental illness. When we treat children at a young age, it will have a huge impact on whether they have a life of misery where they could end up in trouble, more trouble, then incarceration, or whether they are treated and they can go on and live a very productive, happy, and healthy life.

I visited a correction facility—and there are many facilities—in Tallulah, LA. I could talk about this forever. Mr. President, 95 percent of the kids had not committed a violent crime. Too many were kids who struggled with mental illness. They should have been checked at the front end of assessment when a kid breaks and enters a house or steals a car. Remember, we are talking about anywhere from 10 percent to 20 percent of children in this country who struggle with this illness.

Too many kids all across the country—and your police, law and order communities, law enforcement communities, will tell you this—do not get any treatment, there is no coverage, and they wind up incarcerated when they should not be incarcerated. Then what happens is almost indescribable. The kids are not able to defend themselves. Quite often they are brutalized.

Then they come out of these facilities dysfunctional. But they never should have been in the facility in the first place. We never provided the care for them. There never was the coverage.

I am sure there can be some good negotiation and things can be worked out in conference on offset, but I argue for \$150 million more a year, or whatever the final costs would be. Is it not worth it to end the discrimination and provide the coverage to so many people, including a good number of whom are our loved ones, with the difference being life or death?

In the words of Rabbi Hillel: If not now, when? When are we going to end the discrimination? This is a matter of civil rights. When are we going to have the health care plans that provide the coverage for people who are struggling with this illness, including many children? When are we going to make sure, with the plans now no longer able to discriminate, there will be an infrastructure of care in our communities, the delivery of the care will follow the money, and the money will be in the plans?

This is more than worth it. We have 65 Senators supporting this legislation. This is bipartisan. If Senator DOMENICI and I are working on something together, it has to be bipartisan. I cannot even think of anything else on which we agree—I don't mean that; I am kidding.

I urge my colleagues to support this measure.

We use the word "message." I hate the word. Everybody says: What is our message? What is our message. This would not be a bad statement. I think it would be good for our country—much less the people we can help, it would be good for our country—if the Senate went on record today supporting an amendment that I think is all about helping people, all about helping some vulnerable people, all about ending discrimination, all about calling for our country, America, to be a better country, all about calling on all of us to be our own best selves, all about making sure we provide care to people, many of whom up to now have not received any care.

The consequences of the plans discriminating and not providing care are so tragic. People who struggle from depression and get no care take their lives. Children don't get any care and they wind up incarcerated when they could have a good life.

The highest percentage of suicides is in the elderly population. Sometime soon I would like to get to Medicare. With Medicare, if you see your doctor apart from in-home care, you pay a 20 percent copay. But if you are struggling with depression—and the highest rate of suicide is in the elderly population—and you go to see a doctor, you pay a 50-percent copay. That is in Medicare. That is blatant discrimination. Why is depression less important than any other illness?

We can help a lot of elderly people. We can help a lot of children. We can

help a lot of people in our country. Most important of all, we can help ourselves as Senators. It would not be such a bad thing to have a strong bipartisan vote for something all about values, people helping one another and recognizing we can do better. As Bobby Kennedy would have said, we can do better as a nation.

Please Senators, give this amendment your support. Let's pass it with an overwhelming vote.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. CORZINE. Mr. President, I rise today in strong support of the amendment offered by Senators DOMENICI, WELLSTONE, and KENNEDY. It is an amendment which will ensure that people with mental illnesses are treated equally, fairly, and equitably, on parity with people who have physical illnesses. I do not think there are words that are strong enough to point out the rightness of this in our American health care system.

Today, in America, two-thirds of our citizens with mental illness do not have access to mental health treatment, despite the fact that many have health insurance. For far too long, mental health consumers have been discriminated against in the health care system—subjected to discriminatory cost-sharing, limited access to specialties, and other barriers to needed services. In fact, many of them are just flat left out of the system.

I have had some personal experience with this in my life. I know it is a very difficult trial even if one is not without resources. That is why I am pleased to be a cosponsor of the Mental Health Equitable Treatment Act, legislation that represents a critical step toward equal coverage for mental health services. This amendment, the one we are debating today, incorporates the text of that legislation. And I hope to be a cosponsor, as well, of the amendment.

This amendment builds upon legislation enacted 5 years ago which sought to ensure parity between mental and other types of health care.

That law took the first steps toward recognizing that mental illness is a serious yet treatable disease. I served on the board of the NYU Child Study Center which worked for the better part of a decade to diagnose, to learn diagnosis, and to make sure that we had treatment regimens that actually could attack this disease, based on science and with great and positive outcomes.

It is because of those experiences and some in my own life that I commend

Senators WELLSTONE and DOMENICI for their great leadership on this movement. It is a very powerful statement to our country that we care about everyone, and their tireless efforts should truly be commended because they will ensure that Americans with mental illness will have equal access to mental health services.

Unfortunately, the law enacted several years ago has now expired. Frankly, everyone would agree that it included some loopholes that allowed health care plans to evade many of its goals. This amendment is designed to restore the law and to close those loopholes.

Perhaps most importantly, the amendment would ensure true mental health parity by prohibiting inequitable copayments, deductibles, and inpatient and outpatient visit limits for mental health services.

These are real issues for real people who are in these circumstances, not unlike circumstances people might have with their physical health. We know that people would not be tolerant of those kinds of activities.

These are commonsense proposals which will make a real difference in people's lives and I hope my colleagues will support them.

Earlier this year, many of us worked hard to pass a strong Bipartisan Patient Protection Act that would provide for strong health care protections for all uninsured Americans, the Patients' Bill of Rights. Many of these protections, however, will do nothing for mental health consumers if group health plans are allowed to continue discriminating between mental and other medical and surgical health care coverage.

Advances in medical research have made great strides in our ability to treat mental illness. As a nation, we need to make sure that our insurance covers those advances. Without proper coverage, the benefit of this research will be unable to reach those who need it most.

As a country, I heard Senator WELLSTONE say, we lose \$300 million in missed days of work, health care costs and criminal justice costs in a given year as a result of untreated mental illness. We simply cannot afford to do that. It is a simple cost/benefit equation that tells us that we need to move forward on this.

It is overwhelmingly on the side of making sure that parity is attended to. In attempting to find a treatment, those suffering with mental illness face countless obstacles, as we have discussed over and over. This amendment would reverse those discriminatory practices, ensuring that health insurance coverage is strong and fair.

I am pleased that my home State of New Jersey has enacted a mental health parity law, but, frankly, it does not go far enough and flat out excludes children, our most vulnerable, from its coverage.

In addition, because of the ERISA preemption, not everyone in New Jer-

sey is covered by our own State law. Therefore, we need a strong Federal law that ensures mental health parity for all Americans.

In a few weeks I will be introducing legislation that goes a step further. My bill will address the fragmentation of the delivery system by providing increased support to community mental health services. But this is a step we should take and we should take it now.

I am proud of the leadership Senators DOMENICI, WELLSTONE, and KENNEDY have provided to make sure that our Nation has addressed this issue through the years. It is imperative that we now bring to closure this debate about parity by including this amendment in this appropriations bill.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, before the Senator from New Jersey leaves the floor, might I say that there is no need to be personal about legislation, but I thank him for his comments.

It is obvious that there are many who have been here for a short time, such as the Senator, who already understand that we can't go on as a nation fooling ourselves that schizophrenics are not sick, they don't have a disease; that serious depression, which is now causing suicide in numbers that just go off the map, we can't run around and say, well, for some reason, some purposes, it is an illness or a difficult disease, but for other purposes, well, in terms of whether they should have insurance, we will look the other way and act as if it isn't.

We have had Senators who understand manic depression take the floor. Those are just two nice words. One means high; one means low. But you put that in the brain of a person, and it is not very normal. They have to be sick, and they are diagnosable. They are treatable. But here we are, the millennium is here, we are one year into it, and some people would still say: Let's play like it ain't so. Let's just wish it away. And certainly when it comes to health insurance, we just can't. We have to leave things alone no matter how backward it is, how disjointed it is, how unreal it is. We just have to look the other way.

When will be soon enough? I think now. I will tell the Senator, in order to get it through here, we had to put it off a year in terms of its effectiveness. I would like it to be effective as soon as it gets passed, but it won't because we wouldn't have gotten a bill out of the Senate that would be subjected to some technical objections. I shouldn't say we wouldn't, but it would be difficult. We made a call and said that it is better 2 years from now than to leave it as it has been forever.

So tonight you will be part of voting in an appropriations bill, and we will put on it covering the mentally ill of this land with parity or nondiscrimination of health insurance. We are going to exempt some small businesses. Somebody will argue about that: Why

are you doing that? We can't get everything in one swoop. We really think the coverages by big corporations are where we are going to find out how to do this. So they are all going to be under it, whether it be Ford or Intel or whomever. Many of them include coverage already. But no more excuses. No more looking the other way.

Frankly, in the State of the Senator from New Jersey, in 8 or 9 years, there will be new mental health facilities built. You are going to ask: Who built this? We know not all are going to be built by the Federal Government because we don't build them. We never did enough since John Kennedy decided we should go another way with the mentally ill and try to be more humane. What is going to happen is private entrepreneurs are going to say, what is the insurance company going to pay when we take care of that depressive person for a week?

If they pay enough, they are going to build the clinics just as they have built hospitals, just as they have built other health facilities. As of now, nobody accepts the responsibility. Everyone wants to look the other way. I am grateful that Senators who have been here a while, such as this Senator, the Senator who has just arrived, are all coming to the same conclusion this afternoon. Perhaps by 6 o'clock we will have passed this bill.

It is very strange. It goes out in the country. I have been working for it. I expect the debate to go on for a couple weeks. That isn't going to happen. The reason it isn't is because 67 Senators signed this bill and we brought it up. I thank each one of them.

I have a detailed statement that includes a number of approaches to this issue, including an analysis and summary of what the New York Times found when they analyzed mass killers. They analyzed 25 mass killers and found half of them had serious mental illnesses such as schizophrenia. There was no place to put them. They had been put in jails. Cops had arrested them. People had tried them on in prisons. But nobody took care of them. Then they ended up over in one of the Texas cities killing all the people in that Baptist church.

We find that half of the mass killers in America are those kinds of people. There is no place to put them. Relatives don't know what to do. Neighbors say: Look at all this behavior. Isn't it strange? We will call a cop. The third time the cop is called, he says don't call anymore. What does that person who is desperately ill do?

We invite these kinds of murders and mass killings that occur in our country. It is time to try something that may give these sick people another option.

I have a quick set of facts about mental illness, the numbers on the kinds of mental illnesses that exist. I think it will help Senators who want to read the RECORD to understand the scope of this problem.

I ask unanimous consent that it be printed in the RECORD.

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

QUICK FACTS ON MENTAL ILLNESS

Major Depressive Disorder—9.9 million American adults age 18 and older suffer from this disorder in a given year;

Bipolar Disorder—2.3 million American adults age 18 and older suffer from this disorder in a given year;

Schizophrenia—2.2 million American adults age 18 and older suffer from this disorder in a given year; and

Obsessive—Compulsive Disorder (OCD)—3.3 million American adults age 18–54 suffer from this disorder in a given year.

16% of all inmates in State and local jails suffer from a mental illness; 600,000–700,000 mentally ill individuals are booked into a jail every year; 25% to 40% of America's mentally ill will come into contact with the criminal justice system.

Suicide is currently a national public health crisis, with approximately 30,000 Americans committing suicide every year.

Of the 850,000 homeless individuals in the United States, about ¼ or 300,000 of those individuals suffer from a serious mental illness.

In the developed world, including the U.S., 4 of the 10 leading causes of disability for individuals over the age of five are mental disorders. In the order of prevalence the disorders are major depression, schizophrenia, bipolar disorder, and obsessive compulsive disorder.

The direct cost to the United States per year for respiratory disease is \$99 billion, cardiovascular disease is \$160 billion, and finally \$148 billion for mental illness.

EFFICACY OF TREATMENT

Treatment for bipolar disorders have an 80 percent success rate.

Schizophrenia has a 60-percent success rate in the United States today if treated properly.

Major depression has a 65 percent success rate.

Compared to several surgical procedures:
Angioplasty has a 41-percent success rate.
Atherectomy has a 52-percent success rate.

Mr. DOMENICI. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I rise to support the Senator from New Mexico in his effort. I have been an original sponsor of the bill he has had. In years past, I was chairman of this bill in Wyoming and worked on this for some time. As a good focus on rural health care is unique, this is another unique issue with which we need to deal. I urge support for the amendment. I thank the sponsors for their efforts.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Senator from Wyoming for his support. It means a lot. His voice is important. I appreciate his mentioning that is not something that only applies to metropolitan America; it is important in rural America. I thank Senator CORZINE as well. I will not take much time now.

Senator CORZINE asked that he be a cosponsor of the amendment. I believe Senators BYRD and STEVENS, with the

agreement that we now have, asked to be included as cosponsors. I ask unanimous consent they all be added as cosponsors.

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

Mr. WELLSTONE. I thank the Chair. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I compliment the Senator from New Mexico and the Senator from Minnesota for their advocacy on this amendment. As I commented earlier in the debate on this amendment, I have cosponsored the authorizing legislation for the past two Congresses and had withheld cosponsorship of this amendment as a manager of this appropriations bill until I could see how it was going to be worked out. We are now in the process of working it out. I think we will be successful, but it is still too early to make a final commitment.

What is occurring here is on the scoring for budgetary purposes, if it is on this bill, it is scored against this bill; and we are now up to the limit of our authorization. But we are now looking into the remedy of having it scored in another direction—that is technical—and an amendment is now being prepared that may cure that problem. It is not a commitment to cure the problem, but we will know shortly.

In the interim, as a comanager of the bill, I do not intend to raise any point of order that this is legislation on an appropriations bill. Technically, that point of order can be raised. It does not have to be raised because of the difficulties of getting Senate consideration on this bill for a very protracted period of time. As the Senator from New Mexico, Mr. DOMENICI, outlined, I think it is not appropriate to raise a point of order that this is legislation on an appropriations bill. At least I do not intend to raise that point of order.

This is a proposal that I believe has great merit. That is why I have cosponsored the authorization bill for the last two Congresses.

At this time, I ask unanimous consent that I be added as a cosponsor to the Domenici amendment.

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

Mr. SPECTER. Mr. President, Senator HARKIN, the chairman of the subcommittee, and I are urging colleagues to come forward to offer amendments. It is now 4:25. We have only had one amendment offered all day. It is very important that we move ahead with the disposition of this bill.

Last year, we had the bill out of committee on June 30 and it passed the Senate on July 27. Then we had months

of negotiation in the conference committee, so that if we are to get this matter into conference and have a conference report, it is urgent that we proceed at this time.

There is substantial funding for education, which has the consensus of the Senate. There is substantial money for the National Institutes of Health, and the public interest requires that we move ahead. If we do not finish our appropriations bills, there is the possibility—or perhaps probability—that the bills that are unfinished will be folded into a continuing resolution. That means that important funding will not be provided.

Again, on behalf of Senator HARKIN, my comanager, I urge our colleagues who have amendments to come to the floor. Perhaps Senator HARKIN would like to italicize my urging.

Mr. HARKIN. Mr. President, I will respond to my distinguished ranking member, my friend, that I believe we are making some good progress. A major amendment is being worked out right now. I hope we go to a voice vote shortly. I only know of one other amendment that might be pending. Quite frankly—hope springs eternal—I think we might be through with this shortly.

Mr. SPECTER. Is the Senator suggesting that only one other amendment is pending and we may be in a position to go to third reading?

Mr. HARKIN. I believe that might be the case. People may want to go home early tonight and have dinner with their families.

Mr. SPECTER. What time does he think we might go to third reading?

Mr. HARKIN. It depends on how long it takes to work out this language. We are waiting for Senator DORGAN. He had an amendment. I saw him a minute ago. Perhaps he will be out here shortly. I don't think that will take too long.

Mr. SPECTER. Mr. President, we urge colleagues, if they have amendments to offer, to come to the floor and do so now.

In the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I know pending before the Senate now is landmark legislation. I commend my colleagues, Senator PAUL WELLSTONE and Senator PETE DOMENICI, truly a political odd couple, one from the State of Minnesota and the other from New Mexico, who have come together on this important cause, both understanding the importance of our maturing as a nation when it comes to the issue of mental health.

I am a strong supporter of the Mental Health Equitable Treatment Act which they are bringing to this legislation. I am pleased it is finally going to come for a vote. I know those two Senators, as well as Senators DASCHLE and KENNEDY, have worked tirelessly to make this happen. I know advocates for the mentally ill have waited, frustrated and disappointed time and again, and had hoped this day might someday come. I recognize it is equally imperative we do not threaten this bill's passage by attaching amendments that may make it even more difficult in conference.

With this in mind, I do, however, want to raise the subject of another amendment relating to mental health, and I ask my colleagues to consider it in the context of the underlying Wellstone-Domenici amendment.

The issue I am about to discuss affects literally thousands of Americans every single year. This amendment of which I speak would be an improvement on the bill we are currently debating. However, I want to make it clear I will not be offering this as a second-degree amendment. I want to give to Senators WELLSTONE and DOMENICI every opportunity to bring their important bill through conference intact. Although I believe my amendment would be a worthy addition to theirs, I am going to save that cause until another day.

Let me talk about this amendment and why I would have brought it to the floor. Some time ago I received a letter from a constituent in Illinois who in the 1980s suffered severe depression and received the kind of treatment which allowed her to return to work. I will call her Mary Smith. At the time, Mary had employer-sponsored health insurance through her husband's job, but in the fall of 1998 Mary and her husband lost this employer-based insurance coverage when her husband lost his job.

Mary applied for comprehensive health insurance plans offered to individuals. Her application was declined because, as the insurance company noted, "Due to her medical history of depression she did not meet the company's underwriting requirements."

Mary was turned down for health insurance due to a medical history of depression. She wrote me, and this is what her letter said:

As I see it, we are being punished for accessing health care. In 1987, when I was clinically depressed, I could have chosen to avoid proper medical care, become unemployed and received Social Security disability. I did not. I obtained the help I needed and continued to support myself, my family and contribute positively to society. Depression is a treatable medical illness. Insurance companies must stop their indiscriminate denial of this coverage.

Sadly, Mary Smith is not alone. Each year more than 50 million adults in the United States suffer from mental illness, 25 percent of our adult population. Some 18 million Americans are affected by depression annually. One in

five Americans has a mental disorder in any one year. Fifteen percent of the adult population use some form of mental health service during the year. Eight percent have a mental disorder. Seven percent have a mental health problem. Twenty-one percent of children ages 9 to 17 receive mental health services in a year.

The problem Mary Smith faced is, under the current system of care in the United States, individuals who are undergoing treatment or have a history of treatment for mental illness may find it difficult, if not impossible, to obtain private health insurance, especially if they have to purchase it on their own and cannot rely upon group insurance through an employer.

In part, this is a result of the Health Insurance Portability and Accountability Act that protects millions of Americans in the group health insurance market and affords very few protections for individuals who apply for private nongroup insurance. Approximately 9.6 percent, or 26 million Americans, are insured in this private nongroup insurance market—26 million people.

A 1996 GAO study found that insurance carriers denied up to 33 percent of applicants for private health insurance because they had a preexisting health condition, including, of course, mental health conditions. HIPAA provides few protections for individuals who apply for insurance in the individual insurance market. Individuals without at least 18 months of prior continuous group coverage are not protected against discrimination and red lining. This issue is not about parity. It is not about mental health benefits. It is about discrimination. It is about red lining.

Mary Smith was being told she could not get any health benefits, not just mental health benefits. She was denied all health insurance coverage because many years before she had successfully treated a condition of depression. She was not eligible to get hospital coverage if she needed surgery. She was not eligible for preventive care, such as a flu shot. She was not eligible for a doctor's visit. Had she become injured or ill, she would have received no care.

Efforts to improve health care parity have focused on providing equality between mental health covered services and other health benefits, and I salute Senators WELLSTONE and DOMENICI for their leadership. These efforts are very important, and I strongly support them.

Parity will not help individuals who do not have access to any affordable insurance coverage due to preexisting mental illness discrimination. Think of that for a moment. We are saying if you cover a person for other illnesses, in the Wellstone-Domenici amendment, you also have to provide mental health protection as well. I believe that is sound.

Mary Smith never reaches that point. Mary Smith, whose husband lost

his job, ends up in the private insurance market. She cannot even get into a private health insurance plan because the company, under the law today, can discriminate against her because she had treatment for a mental health problem.

Individuals who seek insurance in the individual market are people such as Mary who are in periods of transitional employment, but they are also people who are self-employed. They are family farmers. I have many of them in my State. They are small business owners. They are recent college graduates who lose coverage under their parents' plan, and they are the children and spouses of self-employed people and those in transitional employment.

Every person at risk, needing to buy private health insurance, is subject to this discrimination. If they had been treated for a mental illness, they could run into the same experience Mary Smith did.

This type of discrimination is precisely why many Americans do not seek treatment for mental illness. Despite the efficacy of treatment options and the many possible ways of obtaining a treatment of choice, nearly half of all Americans who have severe mental illness do not seek treatment. They are not only concerned about the stigma in society, they are clearly concerned about the discrimination which is allowed under the law for those people who have turned for help.

This reluctance to seek care is an unfortunate outcome of very real barriers. Foremost of these is the stigma that many in our society attach to mental illness and to people who have it. How many of us, or our family members or friends, have thought about what might happen if we went to seek therapy for anxiety, depression, or even marriage counseling? It is unconscionable that persons should have to consider not being able to get health insurance coverage because they did the right thing and were treated for a mental condition.

Repeated surveys have shown that concerns about the cost of care are among the foremost reasons that people do not seek care.

My amendment prohibits insurers from charging persons with preexisting health conditions higher premiums. This is because insurers use higher premiums to keep certain people locked out of the plan.

The GAO interviewed one insurance carrier in my home State of Illinois which only charges 2 to 3 percent of its enrollees a nonstandard rate, but the rate they charge is double the standard rate.

In some States, including Illinois, high-risk pools have been created to act as a safety net to ensure the uninsured have access to coverage. These safety nets are often expensive. For Mary Smith, this safety net would have cost her and her husband \$700 a month for health insurance. They are a great deal for insurers; all sick people are in one pool.

Risk pools undermine the underlying function of insurance to include a broad pooling of risk. They relieve insurers of responsibility.

Mental disorders impose an enormous emotional and financial burden on ill individuals and their families. And when they go untreated, costs escalate. Mental disorders are costly for our Nation in reduced or lost productivity and in medical resources used for care, treatment, and rehabilitation.

The National Institute of Mental Health estimates the annual cost of untreated mental illness exceeds \$300 billion, primarily due to productivity losses of \$150 billion, health care costs of \$70 billion, and societal costs of \$80 billion.

Two years ago the Surgeon General issued a report on mental health. The report concludes that a broad range of treatments of documented efficacy exists for most mental disorders.

Diagnoses of mental disorders are as reliable as those of general medical disorders. In fact, the success rate of treatment for disorders such as schizophrenia is at 60 percent; depression, 70 to 80 percent; and manic disorder, at 70 to 90 percent, surpassing those of other medical conditions. Heart disease, for example, has a treatment success rate of about 50 percent.

Here is what we know: We know mental health is fundamental to our health. We know millions of Americans suffer from mental illness. We know treatment exists for mental illness. We know the treatment works. We know, despite the efficacy of treatment options, nearly half of Americans who have mental illness do not seek medical care. We know that reluctance to seek care is a result of real barriers, including stigma, discrimination, and of course financial obstacles which are treated by the Wellstone-Domenici amendment. We know mental disorders impose an enormous emotional and financial burden on sick individuals and their families and that untreated mental illness is costly for our Nation in lost productivity and medical resources. We know the private insurance system perpetuates barriers, reinforces stigma, throws up financial roadblocks, and undermines the health of millions of Americans who do the right thing and seek treatment.

The amendment I was prepared to offer today, because of Mary Smith, would try to do the right thing. It is common sense. It doesn't cost anything. It does not solve all the inequities that individuals with mental health conditions face. But it does remove one of the many barriers to health care faced by those who have been treated for a mental condition. I think there is no more appropriate context in which to address this than a patient protection act.

This amendment prohibits any health insurer that offers health coverage in the individual insurance market from denying an individual coverage because of a preexisting mental

illness unless a diagnosis, medical advice, or treatment was recommended or received within the 6 months prior to the enrollment date. Health plans can exclude coverage for mental health services but not for more than 12 months. The exclusion period must be reduced by the total amount of previous credible insurance coverage.

It also prohibits plans in the individual market from charging higher premiums to individuals based solely on the determination that such an individual had a preexisting mental health conditions. It defines a preexisting mental health condition as including all clinical disorders and personality disorders diagnosed on Axis I or Axis II of the most recent edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders. This broad definition would include mood, anxiety, eating, sleep, and adjustment disorders, clinical disorders such as mental retardation and autism, cognitive disorders such as amnesia and dementia, and sexual and gender identity disorders.

These provisions apply to all health plans in the individual market, regardless of whether a State has enacted an alternative mechanism, such as a risk pool, to cover individuals with preexisting health conditions.

The amendment does not mandate that insurers provide mental health services if they do not already offer such coverage. It does not prohibit health plans from establishing a waiting period for mental health services for individuals with a preexisting mental health condition of up to 12 months.

All we are trying to do is to ensure that if you should go to a therapist or a psychiatrist or a psychologist or seek other mental health services, you do not have to worry that you or your family will not be able to get health insurance because you asked for help. It simply does not make sense, just because a person seeks treatment for mental illness, he or she is rendered uninsurable.

I hope my colleagues will join me in this important initiative to ensure that such individuals are not discriminated against when applying for health insurance coverage. It is just the right thing to do.

Mary Smith's letter is one of many we receive in our Senate offices. I am glad we picked this one and read it carefully and closely. I thought for a moment about how we could help this woman who did the right thing. Faced with a mental illness, she went to a doctor, and having gone to that doctor her life has improved. She stayed on the job and had a much better life. She could have applied for a government program and didn't do it. She wanted to stay in the workplace. Little did she know that a few years later when her husband lost his job, the fact that she was successfully treated for depression would ultimately mean they could not buy health insurance in the private market.

How can we stand by as a nation and allow this kind of discrimination against people who are no more guilty of their condition than a person is guilty for the color of their eyes? It is something God has sent to them. In this situation I think we should consider the passage of legislation which would prohibit this discrimination once and for all and make certain, as the underlying Wellstone-Domenici amendment, this amendment would say we are going to treat mental illness in the 21st century much differently than we have in years gone by.

I thank you for the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Senator DASCHLE be included as a cosponsor of this amendment.

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

Mr. WELLSTONE. Mr. President, since there was news today that Dr. Hyman is stepping down as Director of the National Institute of Mental Health, and since I believe we are going to pass legislation on antidiscrimination in mental health coverage which will be landmark and will make a real difference in the lives of people—and I have spoken plenty about the amendment already—I wanted to thank Dr. Hyman for all of his leadership. He has been an exceptional director.

I have had a chance to work very closely with him through Ellen Gerrity, a fellow in my office. We are lucky enough to have her working with us. She worked for the IMH. I think Dr. Hyman has done a good job, along with Dr. Satcher, who is Surgeon General. He has done magnificent work. The two of them have done perhaps the best job we have seen in the history of our country of providing an education for people in the country. So much of mental illness is a brain disease. It can be diagnosed. It is very treatable.

That is the good news. The bad news is there is a huge gap between what we know and what we don't know. We are trying to close that gap—not all of it but a good part of it—with this piece of legislation.

I thank Dr. Hyman. He is one of the people I have had a chance to work closely with in Washington. He is a good example of someone who, with a highly developed sense of public service, has made a huge difference.

I thought I would use this opportunity to thank Dr. Hyman and wish him the very best as he moves on to be, as I understand, provost at Harvard University.

We have had a number of Senators—I don't need to speak more—who have

come to the floor and have spoken. I think what they have said is not only significant, but the way they have said it is significant.

Senator DOMENICI always speaks about this issue with a tremendous amount of eloquence and a lot of knowledge. His wife Nancy Domenici—I don't think he would be offended if I said it—is probably every bit the leader he is. I don't want to say more, but she is every bit the leader he is.

We have two Senators out here managing the appropriations bill who want to move us forward. After we have done the work to make sure we deal with rule XVI and germaneness—and we have done a lot of work on the budget point of order—I think they have been very gracious in letting us go forward. Senators HARKIN and SPECTER are very supportive of this piece of legislation. Senator THOMAS from the State of Wyoming came and spoke.

It reminds me of 1996, I think it was, when we passed partial legislation. I remember Senator Simpson came out on the floor and spoke about a tragedy within his own family. I believe it was a niece who took her life at a young age. Senator CORZINE came out on the floor and made it very clear that this issue means a great deal to him.

Senator REID spoke about his own experience, that his father took his life. Senator HARRY REID has been absolutely, in his own very quiet way, perhaps the most powerful Senator, in a positive way, on the whole issue of treating depression than anybody in the Senate.

Senator KENNEDY came out and spoke. He has devoted a good part of his career to this issue. He is the health care Senator, but, actually, long before we had this kind of coalition—and we have 150 organizations supporting this piece of legislation. We have organizations such as the National Mental Health Association and NAMI—the National Alliance for the Mentally Ill—that deserve a lot of credit, along with the whole coalition. If I went through all 150 organizations, it would take a lot of time. But I personally think Senator KENNEDY deserves a great deal of credit for being willing to light a candle a long time ago to speak to this awful discrimination.

I also thank all of these different organizations because the truth is, when we started out on this matter over a half a decade ago, it was then an issue—it still is an issue of discrimination—but the problem was there was not exactly a political constituency that had any real clout. Then I think what has happened in the last 6, 7, 8, 9 years is that a lot of families have said: We are the ones who struggle with this illness—or we have a loved one who struggles with this illness—and we refuse to be treated as men and women of lesser worth. We are men and women of worth and dignity. We struggle with an illness just as any other illness. We are going to be advocating for ourselves.

It has been the citizen politics, the citizen lobbying that has led to the result of—we have a dispute as to whether it is 65 or 67 Senators who now support this. This piece of legislation passed out of the HELP Committee on a 21–0 vote. We made some compromises, but it is still an enormous step forward. I do not think it would have happened without the citizen politics.

I say to the Presiding Officer—because we both represent the State of Minnesota—we represent a State that is a model State, as we are in many ways, but we passed full parity for both substance abuse addiction, which I think is terribly important—and I think that is the next piece of legislation on which we ought to work—and mental health and, by the way, with very little cost but with great benefit.

The estimates of the amount of money we have saved in our State for people who now get the treatment and, therefore, are productive and go to work or do well in school and do well in their families verses what was going on before is just stunning and important. The problem is because of ERISA, a lot of the self-insured plans are not covered, so we still have 50 percent of the people not covered and, thus, the need for national community regulation.

But I thank a lot of the people in Minnesota who both the Presiding Officer and I know well; and certainly Sheila and I have gotten to know them very well because we have had so many meetings with so many people.

I mentioned the Kluesners earlier, Mary and Al Kluesner. I mentioned the Westins. But there are so many others who have met with us, who have met in public. There have been so many picnics on our lakes that I have attended with people. There are so many people who have told their own stories. They have made a huge difference.

So again, colleagues, we have 65 or 67 Senators who support this measure. It is strongly bipartisan. We now have the support of the chair and ranking chair of the Appropriations Committee, and the chair and ranking chair of the Budget Committee. We have the whip who has spoken, and Senator DASCHLE, the Senate majority leader, who has asked to be a cosponsor. We have 150 organizations: Religious, children, labor, and health.

We are close to adopting an amendment that I believe we can keep in conference. I am not trying to be coy, but I think if I had to have somebody in my corner, I would want TOM HARKIN more than anybody else. He chairs this committee. If I had to have one person to fight for me, he would be the one.

So I thank colleagues. We may have a lot more debate yet, but I think we are going to take this journey. I believe we are going to wind up in a good place where we are going to make our country better. We are going to make our country better by passing this.

I see other colleagues in this Chamber, so I do not want to take any more time. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I rise to speak on the pending Domenici amendment. I am opposed to the Domenici amendment. I am not going to force the Senate to vote on it this afternoon. I think it is clear where the votes are, but I want to explain the issues. I want to raise the issues in this debate so that they can be looked at by the House.

I believe, based on what I have been told, the administration is opposed to the amendment. There is also a point of order against the second-degree amendment that will be offered directing scoring. That point of order will lie against the conference report if the bill comes back from conference with the directed scoring provision in it. I want to reserve my right to raise that point of order at that time.

I want to be brief, but let me basically explain what we have here. What we have is an amendment that imposes a new mandate on the private sector of the economy. That mandate is a mandate where we decide what kind of health insurance Americans should have, and they are going to have it whether they want it or not; and we are going to override some 70 years of negotiations between private employers and private employees as to what their health insurance looks like.

We are going to mandate that if a company provides health insurance that has any mental health provisions in it, those benefits have to be treated the way benefits are for physical health or else the company may be prohibited from providing the policy.

The Congressional Budget Office, in looking at this mandate, has estimated that what will happen is, premiums will go up, some companies will drop mental health coverage altogether, and others will continue to provide it under these new circumstances. Remarkably, they estimate that the adoption of this amendment, over a 5-year period of implementation, will drive up costs on the private sector of the economy by \$23 billion. So we are about to impose \$23 billion in costs on the private sector of the economy because we think we know better what private health contracts, negotiated between employers and employees, ought to look like.

There is a budget problem here because the Congressional Budget Office estimates that by paying the \$23 billion in additional health insurance premiums, that American industry and agriculture will end up paying lower wages than they would have paid, and that we will collect, over a 10-year period, over \$5 billion less in taxes because of this amendment.

The distinguished chairman of the Budget Committee informed the Senate that he would charge, in future budgets, that \$5 billion against the Appropriations Committee if the amendment were adopted.

We are now, as I understand it, in the process of writing an amendment that

says that for the purposes of the budget, even though this amendment will cost over \$5 billion, we are not going to count it.

Without going on and on, let me raise the list of particulars. No. 1, who are we to be telling American workers and American business what kind of health insurance benefits they should have and how that package should be made up and what they should choose? What about workers who would rather have higher wages than to have this new benefit that we are deeming to be in their interest?

What about the \$23 billion of cost that we are going to impose on the private sector? I know the amendment is written so it does not start until 2003. The point is, that is \$23 billion of cost over a 5-year period that will be borne by the private sector, \$23 billion that could have gone to create more jobs, more growth, more opportunity.

I simply raise two questions regarding the \$5 billion of lost tax revenue because companies, as estimated by CBO, will pay lower wages when they are mandated to pay for these benefits: first, what about workers that would rather have those wages than the benefit? Shouldn't they have a choice, or are we granted such wisdom that we make the choice for them?

Second, if it is going to cost \$5 billion, have we not made an absolute mockery out of the budget process, made it a complete fraud by passing a law that says, yes, it costs \$5 billion, but we are going to pretend that it does not cost \$5 billion?

That is basically the proposition that is before us. We are going to say, if you are going to provide mental health coverage, you have to provide it on par with physical health coverage or you can't provide it.

The logical question is, isn't that something that people should decide about their own insurance? Isn't that the same decision that people make, in deciding do they want a new refrigerator, or do they want to send Johnny to college. They have tradeoffs on which they have to make hard decisions? What about the people who are going to lose income? We are going to lose \$5 billion in taxes over a 5-year period. What about the people who lose billions of income?

Maybe they would have wanted to spend on it something that would have had greater value to them. Maybe nobody cares whether they could have spent those billions better because we are going to spend it for them.

Then the question becomes, if we are going to spend it, instead of being honest about it, we are simply going to pass a law that says, it costs \$5 billion, everybody knows it costs \$5 billion, and there is no debate about it costing \$5 billion. But so that we don't have to worry about it, we are going to pass a law that says, while it costs \$5 billion, for budgetary purposes, we are going to act as if it doesn't cost \$5 billion so we don't have to count it against appropriations in the future.

I simply have to say, I would be ashamed of this amendment. This is bad law, bad principle, and bad precedent.

If I thought we had more than 15 people who would vote against it, I would demand a vote. I would be happy for the world to know I am against it. I don't want to put my colleagues on the spot, but I am hoping that the House will not accept this amendment. The Senator who offered the amendment, 5 or 6 years ago, had a similar amendment that cost only \$300 million a year. Rather than extending that, we are adding a full-blown mandate on the private sector.

I am hoping something can be worked out. I hope we will not have directed scoring. We ought to pay for this in appropriations if we are going to do it.

Finally, I am hoping the administration and the House will not go along with this amendment.

I am sorry to have taken people's time. But I wanted to come to the Chamber and basically outline what is wrong with this amendment, and what is wrong with the procedure that we are following by directed scoring when we say we know it is going to cost \$5 billion but we have decided that we are going to pretend that it doesn't. We are going to charge it against mandatory spending.

In any case, I hope it will be fixed. It should be fixed. This is bad policy. It sets a bad precedent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I will respond very briefly, as one of the co-managers of the amendment. I thank the Senator from Texas. I actually don't mean that as sort of fake Senatorial courtesy. He has intellectual integrity, and I understand exactly what he is saying.

Two quick points I will say to him: There is an argument on the CBO scoring of \$1.3 billion over 10 years. I say to my colleague, I would challenge that. I believe Senator DOMENICI would as well. He is in a markup right now on another bill.

I understand my colleague is going to reserve final judgment on the conference report, but the quarrel I have with it is with the assumption. The assumption that CBO is making, not \$5 billion, \$1.4 billion over 10 years, the assumption that is being made is that with the mental health coverage ending the discrimination, that what employers will do is, therefore, in order to make up the cost, which CBO, by the way, said is minuscule, less than a 1 percent increase in premiums, will cut wages for employees. That is the assumption. And then, with less wages, there will be less that will be contributed to Social Security.

For the record, I would challenge that assumption. I will challenge that assumption on the basis of what we have seen in States that have the mental health parity where that has not

happened. For a lot of companies and a lot of employers, it is a very attractive proposition to offer this coverage because families are crying out for it.

As to the second point, that the money is not going to be spent, we are not saying that there isn't going to be the expenditure of money. We are saying it is not going to lie against this bill. We are going to handle this just as anything else we do. We paid for the tax cuts. We will pay for this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I will be brief. I am reading from the Congressional Budget Office cost estimate of August 22, 2001. The Congressional Budget Office estimates that the proposal will reduce Federal revenues in the initial year by \$230 million and \$5.4 billion over a 10-year period. That was the number I was using.

I think there is no question about the fact that one of three things will happen. From my point of view, they are all bad.

No. 1, some people will lose health coverage they already have because the company, in trying to escape the \$23 billion of cost over 5 years, can simply drop mental health coverage. That is bad.

No. 2, the company can simply decide to not provide health insurance at all, which is perfectly legal. That is also bad.

Then third, if companies lower wages or if wages don't grow as much as they would have grown because these higher premiums have to be paid, for many workers that is bad because there are obviously many who would rather have that income than to have the coverage, and we are making the decision for them.

I respect the opinion of my colleague from Minnesota, who is for this benefit, but all I am saying is he may think it is a great idea, but there are probably a lot of working people in America who would rather not risk that coverage, or would rather keep the mental coverage they have, or would rather have higher wages.

Finally, is the question about how we are going to do the budget. It seems to me that is a point where clearly—and I don't know the argument on the other side, other than the Appropriations Committee doesn't want to be saddled with the cost of paying for this program, which they view as a rider to the appropriations process, which I understand—that the taxpayers are going to be saddled with the costs. Somebody is going to have to end up paying that \$5.4 billion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, again, I appreciate what my colleague said. Initially, I was talking about the Social Security cost, not the overall cost. We have been very clear about the fact that it would require some investment of resources. The fact is, I again

say to my colleague from Texas, there are plenty of examples of States that have moved forward. Quite to the contrary of wages going down, people have been supportive of it because this is not a small thing. This affects about 50 million adults in the country. Depression alone affects 18 million.

The reason we have 150 organizations—religious, labor, law enforcement, children, you name it—and the reason we have 65 Senators on this bill is that they have heard from people across the country, including Democrats, Republicans, and others, who have said this is what happened to me and my family because of the discrimination and because there is no coverage.

If a health care plan is going to have mental health coverage, it ought to be treated the same as any physical illness. It is a matter of discrimination, of basically civil rights. Ending the discrimination and making sure people get coverage is what this is about.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. CARNAHAN. Mr. President, the attacks against America have unified our nation. There is a new spirit of bipartisanship, of civility, and of common purpose.

Republicans, Democrats, and Independents are working together with the President to expedite legislation important to our efforts at home and abroad. Contentious issues have been set aside, in order to focus on the issues that unite us.

Thus, it is with disappointment that I feel compelled to come to the Senate floor today to discuss a dispute between the State of Missouri and the Health Care Financing Agency (HCFA) now known as the Center for Medicare and Medicaid Services, or CMS.

The details of the dispute are complex, but the consequences are enormous. At stake is the health of Missouri's children, seniors, and other vulnerable citizens.

The subject of this dispute is Missouri's provider assessment program, which is a tax on hospitals.

States use the money generated from these taxes as their "match" for federal Medicaid dollars. Medicaid funds are then paid out to providers according to formulas established by state law.

Over a decade ago, Congress became concerned that states were using provider taxes improperly to increase the federal contributions to Medicaid programs. In response, Congress enacted a law in 1992 that placed limitations on provider assessment programs.

One specific limitation is that a provider assessment must not contain a "hold harmless" provision. This means that states may not guarantee that a hospital will receive back from Medicaid the amount of funds it paid to the state in provider taxes.

In 1992, under the leadership of Governor John Ashcroft, now the Attorney

General, Missouri complied with the federal law by enacting the Federal Reimbursement Allowance Program law. This law created a tax on hospitals, but contained no "hold harmless" provision. Governor Ashcroft signed the bill into law. Governor Carnahan continued the program, and Governor Holden is continuing it.

For almost a decade, the program has been operating under the auspices of HCFA now CMS. During this time, 100 percent of the revenues generated by the tax have been dedicated to Missouri's Medicaid program. The program has made Missouri a national model for using Federal, State, and private resources to provide health care to as many needy citizens as possible.

This long-standing and legal tax has assisted Missouri in creating a strong healthcare safety net for its children, pregnant women, and most vulnerable seniors.

Much of Missouri's success can be attributed to expanded enrollment of eligible citizens in Medicaid. During the 1990's, the number of Missourians covered by Medicaid more than doubled, increasing from 364,000 in 1990 to 839,000 in 2001.

The number of children enrolled in Medicaid has grown at an even faster rate, increasing from 180,000 in 1990 to 474,000 in 2001.

An important step in covering more children was the enactment of the State's Children's Health Insurance Program, also known as MC Plus. Under the leadership of Governor Carnahan, MC Plus was designed to cover children up to 300 percent of the poverty level. It is a national model. Due to MC Plus, parents who were working, but did not have access to health insurance through their employer, could now provide this precious resource to their children.

The MC Plus program has made a difference in the lives of 75,000 children in Missouri.

This combination of initiatives has sharply reduced the number of Missouri citizens that lack health insurance. Between 1996 and 1999, the percentage of uninsured in Missouri dropped by more than one-third, falling from 13.2 percent to 8.6 percent. In 1999, Missouri has the fourth lowest percentage of uninsured citizens in the country.

These tremendous accomplishments, however, could be in jeopardy from a bureaucratic squabble over the technicalities of Missouri's provider tax.

For many years, HCFA has complained that the manner in which Missouri's provider tax revenues are distributed to health care providers violates federal law. During this entire period, HCFA has been threatening to terminate the program and recoup \$1.6 billion from the State. Such action would devastate Missouri's health care program.

Let's be clear about what is in dispute. HCFA has never alleged that the provider tax itself contains a "hold harmless" provision.

Rather, HCFA—and now CMS—appear to believe that the State, under the leadership of then Governor Ashcroft, made a collusive arrangement with health care providers. CMS has suggested that state officials illegally agreed that each hospital would get back in Medicaid reimbursement at least the amount it paid in taxes.

Missouri strongly disputes the allegation that there is a hold harmless arrangement between the State and its hospitals. And, in fact, the Federal Government has never provided Missouri with a shred of evidence that state officials engaged in illegal collusion with the hospitals. I repeat, not a shred of evidence.

Instead of proving its case, HCFA continues to complain about the provider tax, threaten Missouri with legal action, and uses bureaucratic leverage to force Missouri to change its incredibly successful program.

Mr. President, this is truly a case of form over substance. Missouri has created a program that pumps millions of dollars into health care coverage for its citizens. Missouri then distributes tax dollars to health care providers according to a state formula, which everyone agrees is consistent with Federal law.

Yet, a set of health care bureaucrats in Washington seek to destroy this program. Why? Because they have a hunch—without any concrete evidence—that the people who designed the program almost 10 years ago, secretly conspired to circumvent the technicalities of federal law. This is a case of bureaucracy run amok.

Ironically, this is the same agency that has recently changed its name so to shed its image that it cares more about rules and regulations than people. As a matter of fact, this administration announced when it took office that it would measure performance by looking at health care outcomes, not by compliance with bureaucratic requirements.

Nonetheless, it is this administration that is now threatening to take action against the State of Missouri. It is doing so even when there can be no doubt that our program is working to provide better health care to kids, to seniors, and our most needy citizens.

Of course, the timing of this threatened action could not come at a worse time. Our economic downturn is causing a great deal of distress in our communities. We are seeing significant job losses. State revenues are declining, and at the same time our citizens' needs are increasing.

Why, I ask, at this time of national emergency, would the administration choose to attack a successful program that has provided health care security for so many?

And why would the administration want to divert the State's attention from the task of helping Missouri get through this economic downturn?

There really are no good answers to these questions.

Senator BOND and I, Governor Holden, and other Members of the Congressional delegation are unified in opposition to the threatened CMS action. I strongly urge Secretary Thompson, CMS Administrator Scully, and other leaders in the administration to examine this issue with great care before taking an action that would cause so much harm to our State.

Mr. President, I stand here with my fellow Missouri Senator to draw awareness to this important issue. I hope that CMS understands that we intend to take aggressive action to protect a highly successful program in Missouri.

Mr. BOND. Mr. President, this is an issue that I brought to the attention of the chairman and ranking member of the Appropriations Committee when we marked up this bill in committee. I have been working over the past few years to protect the Missouri Medicaid program from the devastating impact of a potential recoupment of almost \$2 billion. Confronted with such a recovery—or even a fraction of that amount—Missouri would inevitably be forced to cut back on its Medicaid program, putting health care for many Missourians in jeopardy. I am hopeful that the State of Missouri and CMS can work together in good faith to find a resolution that protects the care that the Missouri Medicaid program provides to 479,091 children, 21,517 seniors in nursing homes, and close to 30,000 pregnant women across the state.

Mr. HARKIN. I appreciate and thank Senator CARNAHAN and Senator BOND for bringing this important issue to our attention. I am concerned that attempts to recoup Medicaid dollars from their state could jeopardize the health care it provides for hundreds of thousands of children, senior citizens, and pregnant women.

Clearly, our first priority has to be the beneficiaries of the Medicaid program. At this time of economic uncertainty, the last thing this Government should do is put our most vulnerable citizens at greater risk.

Again, I thank the Senators from the State of Missouri for raising this issue, and I look forward to working with them on this matter.

Mr. SPECTER. I thank my colleagues from Missouri for bringing this important issue to the Senate's attention. I support their efforts and encourage CMS to work in good faith with the State to find a resolution to this matter that allows Missouri to continue making progress in providing health insurance to its citizens.

Mrs. CARNAHAN. I thank Senator HARKIN and Senator SPECTER for their support on this issue.

The PRESIDING OFFICER. The senior Senator from Missouri.

Mr. BOND. I thank the Chair and my colleague, Senator CARNAHAN. We have talked about this a great deal. Over the last decade, Missouri's Medicaid Program has faced a series of difficult but important challenges.

Not only has the program been forced to struggle with internal issues, such

as transitioning to managed care, reaching out to Missourians who are eligible but not yet enrolled in the program, and providing adequate payment to health care providers who care for Medicaid patients. It has had to deal with a number of important challenges presented at the Federal level as well. Not the least were efforts by Congress, attempted in both 1995 and 1997, but foiled by me and other legislators and people in similar circumstances in other States, to limit States' abilities to make disproportionate share hospital payments to safety net hospitals.

Another challenge has been to expand coverage to children in working poor families as called for by the creation of the Children's Health Insurance Program, or CHIP. I was an early supporter of this program and its efforts to expand coverage for low-income children. Missouri achieved this as part of its 1997 Medicaid waiver which is now in effect.

In addition, in 1999, under the previous administration, the Centers for Medicare and Medicaid Services, CMS, then called the Health Care Financing Administration, HCFA, initiated an investigation of the Missouri Medicaid Program.

Since HCFA began the process, CMS has carried on this effort, moving down the path to contend that Missouri may owe the Federal Government portions of the Medicaid funding the State received beginning in 1992 based on concerns about whether the tax imposed on hospitals and nursing homes by the State of Missouri to help finance the Medicaid Program actually complies with Federal law.

We all know that many States prior to 1992 tried to squeeze extra Federal funding by taking or accepting money from health care providers, essentially nursing homes and hospitals, in order to inflate artificially State level medical spending and, thus, increase the Federal share of costs in the joint State-Federal Medicaid Program.

In 1991, of course, Congress passed the law to outlaw these contributions and to establish strict new controls on provider taxes. This law imposed a requirement on States that provider taxes be uniform and broad based, and it prohibited States from instituting hold harmless Medicaid schemes in which payments to a health facility, particularly including DSH payments, were directly or indirectly related to the amount of provider tax a facility pays.

The State of Missouri believes it is fully in compliance with that law. CMS disagrees. Missouri does impose a tax on hospitals and nursing homes to finance a State's share of Medicaid expenses, but the State insists the tax is uniform and broad based.

Furthermore, the payments the State makes to Medicaid providers recognize their proportion of indigent payments, but these payments are targeted to needy facilities and are in no way intended to facilitate or pay for

compensation for the provider taxes by the facilities that receive the reimbursement.

This is a unique setup in which the State sends Medicaid payments for some hospitals to a subsidiary of HMA, the hospital association, which then acts as an agent in distributing the funds.

The CMS concerns about the Missouri situation center on this arrangement, and we have reason to believe they were on a course to attempt to seek \$1.6 billion in repayments. This would be an enormous sum for the Missouri Medicaid Program whose annual budget in 2001 was only \$3.5 billion, including both Federal and State funds.

If this action were to be taken, it would devastate the Medicaid Program of the State of Missouri and the care it currently provides for over 479,000 children, 21,000 seniors in nursing homes, and close to 30,000 pregnant women. That is absolutely unacceptable, and that cannot go forward.

The State of Missouri already faces huge budget shortfalls due to overspending and, in the near term, will have difficulty even in maintaining the current programs and services which are so vitally needed. If CMS were to succeed in taking these funds back, Missouri's Medicaid Program and over 800,000 people currently served could be grievously harmed.

I come to the Chamber today with my colleague from Missouri to raise this issue for the Senate. We have entered into a colloquy with the managers of the bill because we believe, as a result of raising this issue when we discussed it in the Appropriations Committee markup, that we started the process of bringing the State of Missouri and CMS together in good faith negotiations on the issue.

We strongly urge them to come to a resolution that meets CMS's concerns but that protects the integrity of Missouri's Medicaid Program and the care it provides to some of Missouri's most vulnerable citizens.

I appreciate the time of the Senate, and I appreciate the understanding of the managers of the bill. My colleague from Missouri, Senator CARNAHAN, and I look forward to seeing a successful resolution that will take care of the concerns of CMS, but also not take away the vitally needed Medicaid support for needy children, for the seniors in nursing homes, and for the pregnant women.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 2035 TO AMENDMENT NO. 2020

Mr. BYRD. Mr. President, on behalf of the distinguished senior Senator from Alaska and myself, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself and Mr. STEVENS, proposes an amendment numbered 2035 to amendment No. 2020.

At the end of the amendment add:

(a) Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217, the provisions of the amendment that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were it included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency deficit Control Act of 1985, and by the Chairman of the Senate Budget Committee, as appropriate, under the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the amendment by Mr. DOMENICI is the text of S. 534, the Mental Health Equitable Treatment Act of 2001. This amendment would prohibit group health plans and group health insurance issuers that provide both medical and surgical benefits and mental health benefits from imposing treatment limitations or financial requirements for coverage of mental health benefits that are different from those used for medical and surgical benefits.

The problem Senator STEVENS and I encountered in processing this amendment is that the Senate Appropriations Committee would be charged with approximately \$1.5 billion over the next decade if this amendment, worthwhile as it may be, were to be adopted. Both Senator STEVENS and I, I believe, are cosponsors of the underlying legislation, S. 534. I did not realize that legislation was going to be offered as an amendment to an appropriations bill, however, or I might not have cosponsored it. Because of the adverse impact on discretionary spending, we would be forced to oppose this amendment in its current form. In an effort to find a workable solution to the problem, this amendment would direct that any expenditures resulting from this amendment be charged to the committee of jurisdiction under the budget process. If this amendment is adopted, I will drop my opposition to the underlying amendment.

Senator STEVENS and I have spoken with the chairman and ranking member of the Budget Committee, and they are in agreement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I am pleased to join with the distinguished chairman of our committee in offering this amendment to the Domenici amendment.

Senator BYRD and I have made a firm agreement to hold the line on the understanding we reached with the House of Representatives and the President of the United States to hold the total spending to \$686 billion this year. This amendment does not breach that agreement. I am talking about the Domenici amendment does not breach this agreement.

Further, the amendment to the Domenici amendment will assure in future years, if there are caps continued under the Budget Control Act, that this amendment will not result in monies being assessed to our committee, as Senator BYRD has stated. They should properly be asserted to the committee of jurisdiction.

I am of the firm opinion this is a good bill. I was a cosponsor of the bill. I did not expect it to be offered to an appropriations bill, but under the parliamentary situation I do not express objection to that. I do, however, think the Senate should be reminded once again we have a firm understanding with regard to the appropriations process this year, and if we hold to that understanding I think we will finish our bills in time to enjoy the holidays with our relatives. If we breach that agreement, we will be here for a long time.

I am proud to serve with Senator BYRD, who is chairman, because we are two people who I believe keep our word. We have in this instance convinced the Senate to follow us in that regard. So I thank the Senator very much and am pleased to cosponsor the amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Very quickly, I know Senator DOMENICI is in a markup on the energy and water bill, along with Senator HARKIN.

I thank my two colleagues for their amendment. I think it just adds to the strength of the bill. It is very important to have their support. So I thank both of them for their work.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished chairman of the full committee, Senator BYRD, and the ranking member, Senator STEVENS, for their assistance in moving ahead with this very important amendment.

Parity for mental health has been an objective of about two-thirds of the Senators for many years. Through today's action, I think we are on the road to getting that accomplished. So I salute my colleagues and thank my colleagues for their cooperation and good work.

The PRESIDING OFFICER. Is there further debate on the second-degree amendment?

If not, the question is on agreeing to amendment No. 2035.

The amendment (No. 2035) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2020, as amended.

The amendment (No. 2020), as amended, was agreed to.

Mr. SPECTER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll. Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. HARKIN. Madam President, I ask unanimous consent that the list I will send to the desk, once this consent has been granted, be the only first-degree amendments to H.R. 3061, the Labor-HHS appropriations bill; that these amendments be subject to relevant second-degree amendments; that upon disposition of all amendments, the bill be read the third time and the Senate vote on passage of the bill. That upon passage, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with this action occurring with no intervening action or debate.

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

The list of amendments follows:

FIRST DEGREE AMENDMENTS

- Bayh: Mark to market.
- Bingaman: Retirement; Hispanic education programs.
- Byrd: Relevant; relevant to the list.
- Clinton: SAMSHA—mental health for public safety officers; mental health services for children.
- Daschle: Relevant; 3 relevant to the list; firefighters' collective bargaining.
- Dorgan: Customs related.
- Dodd: Children's Mental Health; EMS; Kids and terrorism.
- Feingold: Defibrillators.
- Graham: Ecstasy use.
- Harkin: Relevant; relevant to the list; managers' amendments.
- Kennedy: Bioterrorism.
- Reed: Relevant; mark to market
- Reid: Relevant; relevant to the list.
- Torricelli: 3 lead poisoning; 2 assistance for dislocated workers; SOS anthrax emergency response.
- Wellstone: Mental health parity.
- T. Hutchinson: Charitable giving.
- B. Smith: Research; relevant; relevant to list.
- DeWine: 4 Safe and Stable Families.
- Collins: LIHEAP; substance abuse/homeless; relevant.
- Sessions: Wage index; foreign school loans; misuse of AIDS funds.
- Murkowski: Relevant; national security
- Nickles: 2 Relevant; 2 relevant to list.
- Brownback: Human cloning ban; embryo research; human-animal hybrid embryo; 12 relevants.
- Domenici: Mental health parity (S. 543).
- Enzi: School construction; mental health.
- Gramm: Diabetes research funding; relevant; relevant to list.
- Gregg: 2 mental health; school renovation; relevant/health.

Kyl: Impact aid; relevant.
 Specter: 2 Relevant.
 Lott: 3 relevant; 3 relevant to list.
 Cochran: Relevant.
 Snowe: 3 relevant.
 Santorum: HUD.
 Grassley: Relevant.

Mr. HARKIN. This is a finite list of amendments we now have before the committee.

I am authorized by the majority leader to announce there will be no further votes this evening.

Mr. SPECTER. Madam President, I urge all of our colleagues to move ahead promptly tomorrow to offer amendments. The list is a very long list and, as is frequently the case, a great many of the amendments listed are placeholders. We would appreciate our colleagues advising which amendments they intend to offer and specify what amendment it is so we can move ahead. It is very important we complete action on this bill if we are to complete a conference in a time where we will finish during the current session before the holiday season.

Last year, it took months for the conference to be resolved between the House and Senate. We urge our colleagues to come to the floor tomorrow when we start action on the bill, which I understand is to be at 10:30, to proceed to offer amendments.

I yield the floor.

AMENDMENT NO. 2024

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I have an amendment at the desk for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 2024.

Mr. DORGAN. Madam President, I ask unanimous consent reading of the amendment be dispensed.

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

The amendment is as follows:

(Purpose: To provide for mandatory advanced electronic information for air cargo and passengers entering the United States)

At the end of the bill, insert the following:

TITLE — INFORMATION ON PASSENGERS AND CARGO

SEC. 01. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR AIR CARGO AND PASSENGERS ENTERING THE UNITED STATES.

(a) AIR CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—
 (A) by striking “(b) PRODUCTION OF MANIFEST.—Any manifest” and inserting the following:

“(b) PRODUCTION OF MANIFEST.—

“(1) IN GENERAL.—Any manifest”;

(B) by indenting the margin of paragraph (1), as so designated, two ems; and

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

“(2) ADDITIONAL INFORMATION.—

“(A) IN GENERAL.—In addition to any other requirement under this section, every air carrier required to make entry or obtain

clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide by electronic transmission cargo manifest information specified in subparagraph (B) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe. The Secretary may exclude any class of air carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

“(B) INFORMATION REQUIRED.—The information specified in this subparagraph is as follows:

“(i) The port of arrival or departure, whichever is applicable.

“(ii) The carrier code, prefix code, or, both.

“(iii) The flight or trip number.

“(iv) The date of scheduled arrival or date of scheduled departure, whichever is applicable.

“(v) The request for permit to proceed to the destination, if applicable.

“(vi) The numbers and quantities from the master and house air waybill or bills of lading.

“(vii) The first port of lading of the cargo.

“(viii) A description and weight of the cargo.

“(ix) The shippers name and address from all air waybills or bills of lading.

“(x) The consignee name and address from all air waybills or bills of lading.

“(xi) Notice that actual boarded quantities are not equal to air waybill or bills of lading quantities.

“(xii) Transfer or transit information.

“(xiii) Warehouse or other location of the cargo.

“(xiv) Such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

“(3) AVAILABILITY OF INFORMATION.—Information provided under paragraph (2) may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.”.

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon “or subsection (b)(2)”.

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 is amended by inserting after section 431 the following new section:

“SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR AIR CARRIERS.

“(a) IN GENERAL.—For every person arriving or departing on an air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide, by electronic transmission, manifest information specified in subsection (b) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe.

“(b) INFORMATION.—The information specified in this subsection with respect to a person is—

“(1) full name;

“(2) date of birth and citizenship;

“(3) sex;

“(4) passport number and country of issuance;

“(5) United States visa number or resident alien card number, as applicable;

“(6) passenger name record; and

“(7) such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

“(c) AVAILABILITY OF INFORMATION.—Information provided under this section may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.”.

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following new subsection:

“(t) AIR CARRIER.—The term ‘air carrier’ means an air carrier transporting goods or passengers for payment or other consideration, including money or services rendered.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 45 days after the date of enactment of this Act.

Mr. DORGAN. Madam President, this is an amendment I discussed on the floor briefly earlier today. I shall be brief again. I understand under ideal circumstances this amendment would be placed somewhere else, at some other time, perhaps in some other bill. It is an amendment that is critically important and should have been done last week. It should now be law. It should already be providing protection to the American people today but is not.

I am angry about that because the Congress should not have missed this opportunity last week. I don't intend to let the Congress miss this opportunity at any point along the way. I will offer it, and if it is not finally a part of this bill when signed by the President, I will offer it to every bill.

Let me describe the circumstance. I am chairman of an appropriations subcommittee and I held a hearing a few weeks ago and had the Commissioner of the Customs Service and the Commissioner of the Immigration Service testifying before that subcommittee. One of the things they talked about was the need to provide security with respect to who is coming into our country. A country cannot be secure unless it has some notion of border security. We have millions of people coming into our country each and every year. They are guests of ours, coming in on a visa given by our country.

When people come to our country, we welcome them. We want them to visit our country, but we also want to be sure the people who are coming to our country from foreign lands are people we want to have as guests. There are some we want to keep out: Those involved in terrorist activities, those who have had association with terrorist groups, known and suspected terrorists. We do not want to welcome them into our country. We want to keep them out. That is the whole purpose of border security.

We have around 80 million people who come to this country every year on some 400,000 international flights. I repeat, on 400,000 international flights we have some 80 million people disembark to visit the United States.

There are just over 100 major air carriers flying those passengers into our country. We have an arrangement with 95 of those air carriers to voluntarily provide the United States Customs Service with advance passenger lists of who is coming to visit our country. The Customs Service runs that list against a list the FBI has, the Customs Service has, and 21 different agencies of law enforcement, to evaluate which of these passengers, if any, should not be allowed into our country, which of them are on the suspect list, and which are on the list of known or suspected terrorists.

We have the majority of the airline carriers and the majority of the names of passengers being given to our law enforcement authorities in the form of an advance electronic passenger list. It is called the Advance Passenger Information System. It is a voluntary, not mandatory, system covering 85 percent of the international air passengers that are not already pre-cleared by Customs. It works fine except we have a number of carriers from countries that do not participate.

Let me list a few: Saudi Arabia, Egypt, Jordan, and Pakistan, just to name a few.

One would ask whether we should be getting advanced passenger information from these countries. The answer is yes. In fact, the Senate said yes last week. The Senate was prepared to adopt this amendment last week as part of the counter-terrorism bill, which is where it should have been. In conference it was knocked out. It went to conference with the U.S. House. Some were worried more about committee jurisdiction than they were about security. So they knocked it out.

The result was, when the President signed that counter-terrorism bill, it did not have this provision that makes mandatory the Advanced Passenger Information System.

What does that mean? It means that today about 219,000 international air passengers arrived in the United States—today, Tuesday. About 34,000 are pre-cleared by U.S. Customs agents stationed abroad who run an APIS-type check as part of the clearing process, 156,000 are pre-screened through APIS while they are in flight, leaving approximately 29,000 whose names are not provided to the Customs Service until they arrive because their carriers do not participate in the Advanced Passenger Information System. Why? Because the Congress last week decided not to include that requirement in a conference report.

The President wants this requirement. The Customs Service wants the requirement. All the Federal law enforcement authorities want the requirement. We get it on 85 percent of international air passengers. And the ones we don't get it from are Pakistan, Kuwait, Saudi Arabia, Egypt, and Jordan, just to name a few.

I ask the question: Does it promote this country's security to require those

air carriers to provide the same information that virtually every other air carrier in the world provides to us? The answer is clearly yes.

We are less secure today than we should be because the Congress knocked out my provision in that conference committee. That provision was not in the counter-terrorism bill when the President signed it, despite the fact that the Senate supported it. The Senate said yes. But it was knocked out in conference.

I intend to offer this to any vehicle I have the opportunity to offer it to. I know that it doesn't necessarily belong on an appropriations bill. But it belongs in law in this country. It belongs there now. It should be there now. It should be providing security for this country now with respect to the 29,000 people who entered this country today whose names were not provided under the Advanced Passenger Information List. It makes no sense to me to be in this situation.

Some would say, well, this really inconveniences and mandates the air carriers to do this. No, it does not. Most of the air carriers do it voluntarily, and they have a good relationship with our country. But some air carriers decided that they will not do it. The Customs Commissioner and others indicate that we ought to make it mandatory. I agree with that.

Since September 11, things have changed. It is not profiling. It is not profiling in any way to ask for an advanced list of passengers who are going to visit our country as guests in our country. But we are trying to profile those who are terrorists and suspected terrorists. Let's admit to that.

One of the goals that we have in all of our efforts with respect to increasing security at our borders is to determine who the people are who associate with terrorists and known terrorists or suspected terrorists, and try to keep them out of our country. Unfair? I don't think so, not in the circumstance where thousands of Americans have been killed—cold-blooded murder by terrorists who decided to use an airplane as a weapon of destruction; not at a time when terrorists sent anthrax-laced letters around this country through the mail system and people die.

I ask that we include this amendment in this appropriations bill. I hope those who are talking about their committee jurisdiction will understand that this isn't about jurisdiction. It is about security. This isn't about trying to protect your little area. It is about common sense to try to protect this country's borders. The Advanced Passenger Information System works. It has worked for a long while. It provides this country names that are important to secure our borders, except that it doesn't do it in all instances. In the instances where it fails, it is critically important to give this country critically important information in order to give this country some assurance and some comfort.

I understand that we will probably deal with this amendment tomorrow. I wanted to offer it this evening.

Mr. HARKIN. Madam President, I believe this amendment which I am pledged to cosponsor should become law. It is very reasonable for the United States to require that airlines provide information about their international travelers coming to the United States so customs can be able to check if any of the passengers are of special concern.

We are going to considerable lengths to improve the safety of our aviation system and to improve our ability to better protect our borders. Requiring that international airlines provide some basic information about their passengers and their cargo is very reasonable.

I understand some airlines are concerned about the small costs involved. Some airlines might have other reasons to not comply. But with 85 percent compliance with the voluntary requirements, clearly the burden is well within reason. There is no question, given the realities of our world, this should be required information for any international flight coming to the United States.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

TERRORISM

Mr. SPECTER. Madam President, the terrorist attacks carried out by Osama bin Laden and al-Qaida on September 11 require a reevaluation of our national policy on what the government should be doing on its primary responsibilities: the security of the people.

The United States was stunned by that diabolical attack. It was thought impossible to make the country, with special emphasis on the Congress, more "fighting mad"; but that was done with the anthrax attacks. As a nation, we are determined to respond thoughtfully and forcefully to win the war against terrorism. This floor statement briefly reviews some of the responses by the U.S. to terrorism for the past two decades to learn from our mistakes of the past and to guide us on what to do in the future.

The United States has been slow to assert extraterritorial jurisdiction to

bring to justice terrorists who attack U.S. citizens around the world. Ordinarily, jurisdiction resides in the locale where the crime occurred; however, a nation may assert extraterritorial jurisdiction where its citizens are victimized on foreign soil which provides the nexus for jurisdiction beyond its boundaries.

It was not until 1984 that the United States asserted extraterritorial jurisdiction to try terrorists who kidnaped or hijacked Americans abroad. Those provisions were contained in the Omnibus Crime Control Act of 1984 which was added onto the appropriations bill for the Department of Justice. The Senate and House Judiciary Committees, led by feuding chairmen, could not agree on legislation, so an appropriation subcommittee took up the issues in an unusual way. The bill was passed in the middle of an all-night session, in which I participated along with Senator Warren Rudman on the Senate subcommittee, and Congressman Bill Hughes on the House subcommittee.

That legislation still left a void on terrorism other than kidnaping or hijacking. On July 11, 1985, I introduced the Terrorist Prosecution Act of 1985, to establish extraterritorial jurisdiction for any attacks on any U.S. citizen anywhere in the world. Several months later, the need for such legislation became urgent when on December 27, 1985, 16 people, including five Americans, were killed by random terrorist strafings at the Rome and Vienna airports, and many others were wounded. This provided the impetus to pass the Terrorist Prosecution Act which became law on August 27, 1986, providing the basis for the indictments against Osama bin Laden for conspiring to murder 18 Americans in Mogadishu, Somalia, in 1993, and 12 Americans at the Nairobi, Kenya, and Dar es Salaam, Tanzania, Embassies in 1998.

Although there were solid precedents for the United States to act against indicted terrorists, who were harbored in foreign countries, the United States declined to pursue an aggressive policy to enforce outstanding warrants of arrest. In 1886, in the case of *Ker v. Illinois*, 119 U.S. 436 (1886), the Supreme Court of the United States held that a prosecution could be validly pursued even where the defendant was abducted in a foreign country and brought back to the U.S. for trial. Ker, under indictment for fraud in Illinois, had fled to Peru. Illinois authorities pursued him to Peru and brought him back to Illinois for trial and conviction. The Supreme Court of the United States said:

There are authorities of the highest respectability which hold that such forcible abduction is no sufficient reason why the party should not answer when brought within the jurisdiction of the Court which has the right to try him for such an offense, and presents no valid objection to his trial in such court. (*Ker*, 119 U.S. at 444.)

That principle was upheld by the Supreme Court of the United States in *Frisbie v. Collins*, 342 U.S. 519, 522 [1953],

in an opinion by Justice Black, a noted civil libertarian.

Based on my experience as district attorney of Philadelphia in pursuing indicted criminals, I thought some of those techniques could be applied to international terrorists. Those ideas were expanded after chairing the Intelligence Committee and Judiciary Subcommittee on Terrorism.

After studying "Ker" and "Frisbie," I urged U.S. executive branch officials to consider abduction, if necessary, to bring back to the United States indicted terrorists. In hearings before the Judiciary Committee and the Appropriations Subcommittee on Foreign Operations, I questioned Secretary of State George Schultz, Attorney General Edwin Meese, FBI Director William Webster and State Department Counsel Abraham Sofaer on that subject. In testimony before the Judiciary Subcommittee on Terrorism on July 30, 1985, Judge Sofaer raised a series of objections to such forceful action, saying:

I would say that seizure by U.S. officials of terrorist suspects abroad might constitute a serious breach of the territorial sovereignty of a foreign state, and could violate local kidnapping laws—that is, the people who do the seizing could be, in fact, criminals under local law. Such acts might also be viewed by foreign states as violations of international law incompatible with the foreign extradition treaties that we have in force with those nations.

It may be that those hearings, urging the application of "Ker" and "Frisbie," led to action by U.S. law enforcement officials against Fawaz Yunis, although his case did not involve abduction in a foreign country, but the principle was close. In June 1985, Yunis and other terrorists hijacked a Jordanian airliner with two U.S. citizens in Beirut, Lebanon. In September 1987, a joint operation of the FBI, CIA, and U.S. Military led to the capture of Yunis, who was lured onto a yacht off the coast of Cyprus with "promises of a drug deal." Once the yacht entered international waters, Yunis was arrested and returned to the U.S. for trial where he was convicted of conspiracy, aircraft piracy, and hostage-taking, and then sentenced to 30 years in prison.

The hearings on "Ker" and "Frisbie" may have also led the DEA—the Drug Enforcement Administration—to abduct from Mexico Dr. Alvarez-Machain who was implicated in the kidnaping and murder of a DEA agent in Mexico in 1985. After the DEA unsuccessfully negotiated with Mexican authorities for Alvarez-Machain's surrender, DEA officials offered a reward to a group of Mexican citizens for delivering Alvarez-Machain to them in the United States, which was done in April 1990. The trial court dismissed the case because the DEA agents had violated the extradition treaty with Mexico, and the Circuit Court of Appeals affirmed. When the case reached the Supreme Court of the United States, the Court reversed the lower courts and stated this principle of law:

The power of a court to try a person for a crime [exists even if] he had been brought within the court's jurisdiction by reason of a forcible abduction. (*United States v. Alvarez-Machain*, 504 U.S. 655, 661 (1992).)

And now onto Osama bin Laden's longstanding record on terrorism against the United States.

The cases of Ker, Frisbie, and Alvarez-Machain provided ample precedent for the United States to have acted against Osama bin Laden prior to September 11, 2001. For a decade, Osama bin Laden had been prosecuting a war of terrorism against the United States. In 1992, he issued a religious declaration, known as a fatwah, urging that United States troops be driven out of Saudi Arabia, and the fatwah was extended in 1993 to demand expelling U.S. troops from Somalia. The terrorists convicted for bombing the World Trade Center in 1993 were trained in al-Qaida camps in Afghanistan. In 1996, al-Qaida called for a jihad against the United States.

In February 1998, bin Laden and al-Qaida issued another fatwah, calling for the murder of U.S. citizens wherever they were found in the world. In May 1998, bin Laden announced the need to possess a nuclear weapon against "Jews and Crusaders." In indictments returned in November 1998, Osama bin Laden was charged with conspiring to murder U.S. troops in Saudi Arabia and Somalia and for being directly involved with the bombings of the U.S. embassies in Kenya and Tanzania in August 1998. In June 1999, bin Laden called for the killing of all American males. And then bin Laden was involved with al-Qaida in the terrorist attack on the USS *Cole*.

Notwithstanding demands by the United States and the United Nations, the Taliban refused to turn bin Laden over to U.S. authorities. In harboring bin Laden, the Taliban, the de facto government of Afghanistan, was an accessory after the fact. In his September 20, 2001 speech to a Joint Session of Congress, President Bush equated those who harbor terrorists with the terrorists themselves.

From all that, it was readily apparent that bin Laden and al-Qaida were at war with the United States even prior to September 11. Then, on September 11, in addition to murdering 7,000 Americans, bin Laden and al-Qaida sought to destroy our symbol of economic achievement by leveling the twin towers of the World Trade Center and to decimate the White House and U.S. Capitol with planes which crashed into the Pentagon and in a Pennsylvania field.

In a Senate floor statement the following day, September 12, I said—and it is worth repeating now:

[T]here have been many declarations that what occurred yesterday with the Trade Towers and the Pentagon were acts of war. And there is no doubt about that. Similarly, what bin Laden did in Mogadishu in 1993 and in the Embassies in 1998 were acts of war. At this time, while the Congress should never act precipitously, I do suggest that consideration be given to a declaration of war

against the political entity which harbors and has given aid and assistance to bin Laden's terrorist organization and bin Laden and his co-conspirators, based on the indictments which already have been handed down . . .

It was my view on September 12 that even though we could not prove at that time that bin Laden was responsible for the terrorism of September 11, that a basis already existed for declaring war on Afghanistan and the Taliban for harboring bin Laden based upon the indictments which had already been returned establishing probable cause for acts of war which bin Laden and al-Qaida had committed against the United States.

On September 13, when the President met with Members of Congress from New York, Virginia, and Pennsylvania, which were the impacted States, I urged President Bush to consider a declaration of war against Afghanistan and the Taliban on the basis of the outstanding indictments against bin Laden and the Taliban's refusal to turn him over. The President made no response at that meeting to my suggestion.

President Bush declined to ask for a declaration of war, but he did request a resolution authorizing the use of force which was passed unanimously in the Senate and 420-1 in the House.

Presidential executive orders have provided that: "No person employed by or acting on behalf of the U.S. Government shall engage in, or conspire to engage in, assassination." But in April 1986, President Reagan ordered the bombing of Tripoli, Libya, and Muammar Qadhafi after intelligence intercepts implicated Libyan intelligence operatives in the bombing of a disco in Berlin, resulting in the death of two American soldiers.

Similarly, President Clinton ordered a missile attack on Osama bin Laden in Afghanistan in August 1998 after the Embassy bombings. In an interview with Tom Brokaw on NBC News on September 18, 2001, former President Clinton said:

We had quite good intelligence that he [bin Laden] and his top lieutenants would be in his training camp. So I ordered the cruise missile attacks, and we didn't tell anybody, including the Pakistanis, whose airspace we had to travel over, until the last minute, and unfortunately we missed them, apparently not by very long. We killed a number of terrorists, destroyed the camp, but we didn't get him or his top lieutenants. And I made it clear that we should take all necessary action to try to apprehend him and get him. We never had another chance where the intelligence was as reliable to justify military action. He's very elusive. He spends the night in different places, often stays in—in caves. There were times when he tried to hide among a lot of women and children. It's a tough . . . nut to crack. But the world is changed now, and . . . the pressure that President Bush and the administration is putting on the Taliban and also on the Pakistanis, and the statements the Pakistanis have made, and the unity we've got around the world—we finally got other countries as concerned about this as we are. . .

Now to a discussion of Israel's response to terrorism. It is worth noting

what Israel has done in its war against terrorism. Israel has adopted a policy on what could be called "executions" after its own determination of terrorists' guilt. After the massacre of the 11 Israeli Olympic athletes in Munich in 1972, it is reported that Prime Minister Golda Meir and Defense Minister Moshe Dayan authorized the executions of 9 of the terrorists whom they identified as being responsible for the Munich murders. One person, killed in Norway, was reported misidentified as a terrorist. Such executions have also been carried out by Israel against terrorists who were principals of the PLO, Islamic Jihad, Hezbollah and Hamas whom the Israelis found involved in murders of Israeli civilians.

The terrorism of September 11 should make us more understanding of the perils faced by Israel for five decades. Since the second Intifada began in September 2000, Israel has sustained 165 deaths from the killings. On a proportionate basis to our population, that would translate into over 7,000 Americans, a virtual equivalency to the mass murders on September 11. Should Israel be expected to respond differently from the way we responded to September 11? Just as the United States must find a way to stop terrorist attacks on U.S. citizens, a way must be found to stop the violence which has killed 714 Palestinians as well as 165 Israelis.

In seeking to organize a coalition against bin Laden and al-Qaida, the United States has urged, even pressured, Israel to temper its responses against Palestinian terrorists. In so doing, the United States should consider whether it is applying a double standard between what we are doing and what we ask Israel to do. What is the difference between the United States demand on the Taliban to turn over Osama bin Laden contrasted with Israel's demand on Chairman Arafat to turn over the assassin of the Israeli tourism Minister Rehavam Zeevi.

The usually perceptive Thomas L. Friedman in his October 23 New York Times column applied such a double standard. Asking Israel to pull its punches against Palestinian terrorism to stop ". . . inflam[ing] the Arab-Muslim world in order to avoid . . . seriously undermining our [the United States] coalition against bin Laden," Friedman calls for Israel to subordinate its security interests to those of the United States. Friedman then asks Prime Minister Sharon whether ". . . you (know) how serious this war is for America"? Is the war against Palestinian terrorism any less serious for Israel?

In seeking the assistance of Arab countries in the coalition, the United States has been careful not to ask for more than can reasonably be expected. Similar consideration must be extended to Israel. During the gulf war in 1991, Prime Minister Itzhak Shamir and Israel cooperated with the United States by taping their windows, wearing gas masks, and not responding to

Iraqi Scud missile attacks. Israel has made serious, good-faith efforts to negotiate with Arafat notwithstanding the Intifada violence. Prime Minister Barak made the Palestinian authority a very generous offer in January 2001. Foreign Minister Shimon Peres has engaged in extensive negotiations until those talks were interrupted by outbreaks of Palestinian terrorism.

There was a real question as to how much control Chairman Arafat can exert over Palestinian terrorism. Last April 16, I met Chairman Yasser Arafat in Cairo near midnight at the precise time Israel was responding to Palestinian mortar attacks. As we talked, aides brought Arafat communiques describing the fighting. I asked Chairman Arafat why he had not accepted then Prime Minister Barak's generous offer earlier in the year. Chairman Arafat responded that he had, but he was obviously oblivious to the fact that he imposed so many conditions it was, in fact, not an acceptance.

I then called on Chairman Arafat to make a clear statement calling for an end to Palestinian terrorists attacks. He said he had done that at the Arab summit on March 29, 2001. The transcript of his speech refuted his statement. That speech was another example of his longstanding tactic of sending contradictory messages. Chairman Arafat is famous for saying one thing in English to one audience and the reverse in Arabic to another audience.

In assessing Chairman Arafat's ability to reign in Palestinian terrorism, we must take into account that today he is not the man he was when he shook the hands of Prime Minister Rabin and Peres on the White House South Lawn on September 13, 1993, in the presence of President Clinton. Shortly thereafter, I met Chairman Arafat in Cairo in January 1994 traveling with a congressional delegation. At that time Arafat was healthy, robust, and forceful.

Seven years later, when I again met him in Cairo, he was shaky, hesitant, and spoke mostly through his aides. The recent challenges to his authority by Hamas, resulting in Chairman Arafat's firing on and killing Palestinians in early October, shows his diminished authority and raises serious questions as to whether he can be effective in ending the Palestinian violence even if he wants to.

This April, Secretary of State Colin Powell criticized Israel's response to Palestinian terrorism saying Israel's military action was "excessive and disproportionate." In hearings before the Appropriations Subcommittee on Foreign Operations on May 15, 2001, I challenged Secretary Powell's characterization and said:

While Israel did respond very, very forcefully, Israel could have responded much more forcefully and is facing a situation where everybody is sort of at wit's end. And I believe that the calculation is made that if they hit them hard enough within reason that they will—that the Palestinians perhaps will stop the terrorism although that is

very complicated with Hamas and Islam Jihad and the others.

Then Secretary Powell sought to justify his comment by saying that we tried to be "even-handed". He then referred to "the cycle of violence." The comment on "cycle of violence" suggests some sort of parity or moral equivalency between the purpose and level of force between Palestinian terrorists and Israel's reaction in self-defense.

There is, realistically viewed, no moral equivalency.

Terrorism, the killing of innocent victims, is totally reprehensible, repugnant, and morally unjustifiable. Self-defense in response to such terrorism is morally justifiable and is authorized under international and natural law.

When United States pressure on Israel increased, Prime Minister Sharon bluntly told the Bush Administration "do not try to appease the Arabs at our expense" and analogized the situation to the allies sacrificing Czechoslovakia in the Munich Pact of 1938. The Bush administration replied in kind calling Sharon's comment "unacceptable."

In limiting the freezing of terrorist assets to individuals and groups connected to the al-Qaida organization and the Irish Republican Army, President Bush did not extend United States efforts to "every terrorist group of global reach," as articulated in his September 20th speech. Perhaps he left out Hamas, Hezbollah, the Palestine Liberation Organization and other Arab terrorist organizations to maximize the chances to get Syria and other Arab countries into our coalition.

Israel's battle against Palestinian terrorism would have benefited by our freezing the bank accounts, of Hamas, Hezbollah and the PLO, just as we did with terrorist organizations connected to Osama bin Laden; but United States national interests at the moment may have differed—just as Israel's national interest may differ.

Israel cannot be blamed for the September 11 terrorism. Senator JOHN MCCAIN was right when he said on NBC's "Meet the Press" on October 21:

So if Israel were taken off the face of the Earth tomorrow, we would still be facing the same terrorist problems we have today.

Osama bin Laden's hatred against the United States, is rooted in events which preceded Israeli's existence. His videotaped statement broadcast on October 7 cited, "what America is facing today is something very little of what we have tasted for decades. Our nation, since nearly 80 years is tasting this humility." He raged against the United States for our military action against Iraq and Japan. The two references to Israel were minor compared to his diatribe against America as the "head of international infidels."

His disregard for human life was palpable in minimizing "a few more than 10 were killed in Nairobi and Dar es Salaam." The intensity of hostility was

demonstrated by a statement by Ayman al Zawahir, one of his close associates, on the same videotape:

American people, can you ask yourselves why there is so much hatred against America?

The New York Times on October 7 characterized bin Laden's anti-American attitude:

Mr. bin Laden, born in Saudi Arabia, has typically focused his anti-American statements on the presence of American troops in Saudi Arabia, declaring it a violation of Islamic holy places. Now, in keeping with the rest of the Arab world, he shifted focus to the Palestinian uprising that began in September 2000, as officials believe.

A minister of the United Arab Emirates is reported to have warned the United States that if Israel continued killing Palestinians, "most of us will certainly have to reconsider our role in the coalition". The United States was obviously seeking to assuage Arab objections when Secretary of Defense Rumsfeld skipped Israel in his recent mid-East trip and Secretary of State Powell emphasized that Israel would not be part of any military coalition. Hezbollah and Hamas are now reportedly accelerating their terrorism on the expectation that Israel may be reluctant to respond out of concern for Arab participation in the coalition. That is a prelude to the most important part of this somewhat lengthy statement, and that is a focus on dealing with terrorism in the future.

The conduct of Osama bin Laden and al-Qaida prior to September 11 should have put the United States on notice that we were facing a ruthless, powerful enemy engaged in a religious war with the capacity to inflict enormous damage. By 20/20 hindsight, the United States should have taken whatever action was necessary to, as President Bush later put it, either bring bin Laden and al-Qaida to justice, or to bring justice to them. The point is not to attach blame for what happened in the past; but to learn from this bitter experience how tough and determined we must be from this day forward in fighting terrorism. After September 11, it is obvious that the civilized world faces decisions on how to deal with terrorism which threatens our survival. Self defense, acknowledged as a person's most primordial motivation, is recognized as a fundamental principle in international law.

Congress, in conjunction with the President, has the responsibility to conduct hearings, deliberate, and establish our national policy on how to deal with terrorism. As a starting point, Congress should conduct oversight hearings to determine whether our intelligence agencies were at fault in failing to provide warnings of the September 11 attacks. If so, Congress must act to cure such deficiencies and to do whatever is necessary at whatever cost to reorganize our intelligence agencies and provide the resources to be as sure as possible that we will not be again caught by surprise. The over-

sight hearings on the adequacy of our intelligence should be deferred until next year so as not to distract the intelligence community from using its full resources to detect current threats.

Congress, in conjunction with the President, should consider the public policy behind the Executive Order banning "Assassinations." As a starting point, we should consider whether the pejorative term "assassinations" is accurate or whether we are really dealing with "executions," even if they are based on a non-judicial determination of guilt. It is one thing to prohibit the CIA from involvement in the killing of a leader of a foreign political faction or from the killing of a foreign leader contrasted with the CIA implementing a Presidential finding to take bin Laden into custody or kill him if there is no alternative.

The use of force in war or against terrorism does not require the same level of proof to convict in a U.S. court of law. Without prejudging Israel's nonjudicial determinations of guilt and the following "executions," Congress must decide what quality of proof and what level of force is necessary to assure our Nation's survival.

It was concluded that the Executive Order banning assassinations did not preclude President Reagan's order to bomb Libya and Qaddafi or President Clinton's order for a missile attack against bin Laden and al-Qaida in Afghanistan in August of 1998. In 1976, the Church Committee on Intelligence Operations concluded:

... short of war, assassination is incompatible with American principles, international order, and morality. It should be rejected as a tool of foreign policy.

The Church committee's interdiction against assassination, "short of war," raises the obvious question as to when war begins or whether terrorism isn't in fact, war. When it becomes a matter of survival, I suggest the pristine rules of the Church committee may have to be superseded, again depending on the circumstances.

Judicial determinations of guilt are not required as a basis for the use of deadly force in war and should not be the basis for action against terrorists. Israel has long considered itself in a war for survival facing being vastly outnumbered and surrounded by hostile armies in wars in 1949, 1956, 1967 and 1973, and some of those nations still have a state of war technically against Israel. In moving against the Munich murderers and Palestinian terrorists, Israel has adopted an activist policy of execution after a nonjudicial determination of guilt. All of that I suggest is worth studying.

In President Bush's speech to the Joint Session of Congress on September 20, he said:

The war on terrorism ... will not end until every terrorist group of global reach has been found, stopped and defeated.

Congress, in conjunction with the executive branch, must also decide what

action should be taken against every nation which sponsors, supports, or harbors terrorists in order to meet President Bush's goal. We must determine what national security and survival require in evaluating a policy on abducting or executing terrorists in foreign countries and taking tough action against these who harbor them.

Consideration should also be given to the detention of individuals where there is reason to believe they are part of al-Qaida or some other group which is actively planning terrorism against the United States. Under existing law, membership or an affiliation with such a group without more is not a basis for arrest or detention. The standard for detention should not require the level or probable cause necessary for a warrant of arrest or a search warrant but it should be more than mere surmise. It is obviously a difficult line to draw.

A case was reported after September 11 where a suspected terrorist was detained when he tried to gain entry to the United States from Canada, but was released when there was not sufficient evidence to arrest him. He was reportedly later identified as one of the pilots on a September 11 hijacking, which illustrates the point that if we let them go when we have reason to detain them, they may come back to kill us.

Twenty-first century terrorists do not wear uniforms. Study must be undertaken to determine an appropriate standard for detention on the analogy of detaining prisoners of war. The issue of detention of aliens received considerable attention during the debate on the terrorism legislation which was signed into law by President Bush on October 26. That legislation answers part of the problem but not all of it.

Poignant scenes from "Saving Private Ryan" illustrate the problem.

In the movie, U.S. forces captured a German soldier behind enemy lines as they were making their way on their mission to save Private Ryan. The German soldier pleaded for his life. The American soldiers did not have the capacity to take him with them as a prisoner, so they had the alternative of killing him or letting him go.

When he promised to move to U.S.-held territory and surrender himself, the American soldiers relented and released him.

In a later scene, that German soldier confronts the same American soldiers and kills several of them. That sequence illustrates American generosity and our natural instincts to be merciful. It is a lesson worth noting that we, as a nation, must reevaluate our level of "toughness" if we are to survive.

In this Senate floor statement, I have sought to raise issues which must be decided after congressional hearings and deliberations rather than to provide definitive answers.

Now, Mr. President, I come to the crux of what I have had to say.

In summary, these are the issues to be decided by Congress in conjunction

with the President, after hearings, deliberation, and consultation. These are some of the issues which have to be considered. I do not say they are all inclusive, but these are the ones on my mind now.

First, should the United States revise its policy against assassinations to acknowledge that war and terrorism warrant executions under some circumstances?

Second, should such executions be authorized based on a nonjudicial determination of guilt, recognizing that responses to war and terrorism have traditionally not required the level of proof to indict or convict in a U.S. court of law?

Third, what level of our national leadership should be invested with the power to make such nonjudicial determinations of guilt?

Fourth, what are the standards for the quality and quantity of proof to make such a nonjudicial determination of guilt?

Fifth, should the United States be deterred from going into another sovereign nation to abduct or take forceful action against a terrorist when the host nation fails or refuses to turn over such terrorists?

Sixth, to what extent should the United States act against foreign nations or their officials who harbor terrorists?

And seventh, should individuals be detained where there is some basis to believe that they are non-uniformed members of al-Qaida or another terrorist organization on the analogy of incarcerating prisoners of war? If so, what should be the standard for such detention, and who should make the determination?

My sense is that America will maintain its resolve in carrying on the war against terrorism regardless of how long it takes. The steadfastness and durability of the coalition is another question. In my opinion historically, "Remember Pearl Harbor" will be a mild declaration or exhortation to "Remember September 11th!!"

That concludes my statement. I thank my colleague, the Senator from Alaska, for his patience, and in fact he was patient. He came in at the latter part of my statement, and I have taken considerable time until Senator STEVENS arrived, and there is no other Senator who sought recognition. I appreciate the opportunity to make the statement which has been the product of considerable work on my part.

I yield the floor.

IN RECOGNITION OF THE BAYER CORPORATION

Mr. SPECTER. Madam President, I have sought recognition to recognize and acknowledge the activities of one of my own very good corporate neighbors and constituents, the Bayer Corporation of Pittsburgh. Last week, on October 24, Bayer Corporation's president and chief executive officer, Mr.

Helge H. Wehmeier, and U.S. Postmaster General John E. Potter announced Bayer's donation of 2 million doses of their antibiotic Cipro, one of the FDA's drugs of choice for the treatment and cure of anthrax disease.

This medication was donated to the Federal Government and is intended for use by Federal employees who may need it. The medication will be administered by U.S. Federal health care agencies, including the Department of Health and Human Services and its Centers for Disease Control and Prevention, as well as local and State health care officials in the Washington, DC, area.

There has been a claim, and justifiably so, for the heroism of our firemen, our police, and our health care workers who responded to the attacks on September 11. Now with the problems with anthrax, we appropriately add to that honor roll the U.S. postal workers. Mr. Helge H. Wehmeier had noted that the unsung heroes, less celebrated perhaps, but no less brave in their readiness to perform their duties, were the postal workers. Regrettably, we have seen problems with anthrax there. The contribution by Bayer should be of substantial help.

I also call my colleagues' attention to the comments of Department of Health and Human Services Secretary Tommy Thompson last week with respect to the negotiations with Bayer and Mr. Wehmeier. I ask unanimous consent, following these brief remarks, there be printed in the RECORD a copy of the press release which was issued following the meeting with Secretary Thompson and Mr. Wehmeier, president and CEO of the Bayer Corporation.

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

HHS, BAYER AGREE TO CIPRO PURCHASE

WASHINGTON, Oct. 24.—HHS Secretary Tommy G. Thompson and Mr. Helge H. Wehmeier, President and CEO of Bayer Corporation, today announced agreement for a significant new federal purchase of the antibiotic ciprofloxacin (trademarked Cipro) at a substantially lowered price. The antibiotic is expected to be available by year end. Supplementing existing emergency stockpiles, it would be available for use in the event of a bioterror event.

Under the terms of the agreement valued at \$95 million, HHS will pay 95 cents per tablet for a total initial order of 100 million tablets. This compares with a previously discounted price of \$1.77 per tablet paid by the federal government. Bayer said it will rotate the government's inventory, as part of this agreement, to assure the American public a continuously fresh supply of Cipro. This inventory rotation adds an additional value of 30 percent for the government, which is included in the agreement.

Funds for the purchase are included in the \$1.6 billion emergency proposal made by President Bush Oct. 17, which awaits Congressional action. HHS is also carrying out substantial new purchases of other antibiotics that are effective against anthrax, especially doxycycline. The purchases will fulfill Secretary Thompson's proposal to quickly increase the nation's emergency reserve of

antibiotics. Resources to be on hand by January would treat up to 12 million persons immediately for anthrax exposure. Treatment would be with a mixture of effective antibiotic products, with Cipro representing about 10 percent of the antibiotics on reserve. Currently, 18.6 million Cipro doses are available in the nation's emergency reserve, which would enable immediate treatment of about 2 million persons in combination with other antibiotics.

"This agreement means that a much larger supply of this important pharmaceutical product will be available if needed," Secretary Thompson said. "The beneficial price also means that we can have more funds available to assist state and local health responders to be ready for all eventualities. I commend the Bayer Corporation for its ongoing efforts to ensure a fully adequate supply of this valuable product."

"Bayer is fully committed to supplying America in its war on bioterrorism. This agreement between Bayer and the Department of Health and Human Services is an important security measure that will enable the nation to have in its stockpile ample supplies of Cipro to combat the threat of anthrax," said Bayer president Wehmeier. "Cipro has become standard for anthrax treatment. The men and women of Bayer are 100 percent committed to delivering this vital antibiotic to the U.S. government on schedule."

Secretary Thompson said current supplies of Cipro and other antibiotics which are effective against anthrax "are entirely adequate to meet the current need. This purchase is aimed at expanding our emergency stand-by capacity, to make us even better prepared for the possibility of massive exposure to anthrax or other biological agents."

As a further contingency, the agreement provides for the option of a second order of 100 million tablets at 85 cents, and a third order at 75 cents, if it is determined that further orders are needed. Cipro is one of many antibiotics that have been found effective in the treatment of exposure to anthrax in the incidents in recent weeks. Current treatment practice for anthrax exposure, including those possibly exposed to anthrax, is a 60-day course, involving initial use of a broad spectrum antibiotic like Cipro, for five days, followed by determination of other antibiotics to which the pathogen is susceptible.

The Cipro to be purchased would be used to expand emergency stand-by supplies in the National Pharmaceutical Stockpile (NPS), maintained by HHS' Centers for Disease Control and Prevention. The NPS includes both vendor managed inventory and 50-ton "Push Packages," designed to be able to reach any point in the continental United States within 12 hours. The current eight "Push Packages" are to be expanded to 12, under the President's proposals.

COMMUNITY RAIL LINE RELOCATION ASSISTANCE ACT

Mr. LOTT. Madam President, many cities and towns across our country are experiencing conflicts between railroads, motor vehicles, and people for the use of limited and increasingly congested space in downtown areas. High density highway-rail grade crossings, even properly marked and gated ones, increase the risk of fatal accidents. Many rail lines cut downtown areas in half while serving few, if any, rail customers in the downtown area. Rail traffic can cut off one side of a town to vital emergency services, in-

cluding fire, police, ambulance, and hospital services. Downtown rail corridors can hamper economic development by restricting access to bisected areas. Sadly, since September 11, we now must be concerned about freight trains carrying hazardous materials through the middle of densely populated areas being targets of terrorist actions. These problems exist in small and large cities and towns across the Nation.

While TEA-21 provides some flexibility in the use of the Highway Trust Fund to enable States to address some of these concerns, it is primarily focused on solving transportation problems by building or modifying roads, including road overpasses and underpasses, as it should be. However, in many situations, this highway-rail conflict cannot, or should not, be fixed by cutting off or modifying a roadway. The answer is often to relocate the rail line.

To address this need I introduced S. 948, the Community Rail Line Relocation Assistance Act of 2001. The bill would authorize the Secretary of Transportation to provide grants to States and communities to relocate a rail line where this solution makes the most sense. In those cases where the best solution is to build a railroad tunnel, underpass, or overpass, or even reroute the rail line around the downtown area, this bill will enable these cities and towns to afford to undertake such a significant infrastructure project. The bill does not tap the Highway Trust Fund. Instead, the rail line relocation grant program would compete for appropriations on an annual basis.

S. 948 is supported by the United States Conference of Mayors, the National Conference of State Legislatures, the National League of Cities, the Association of American Railroads, the Short Line and Regional Railroad Association, the Railway Progress Institute, the National Railroad Construction and Maintenance Association, and the Rail Supply and Service Coalition.

The Senate may soon consider other legislation to authorize funding to increase security for Amtrak, other modes of transportation, and our nation's ports. I ask my Senate colleagues to consider the needs of their own States, to cosponsor S. 948, and to support inclusion of this provision in the next transportation authorization bill to be considered by the Senate. So far, working with representatives of our Nation's cities, I have identified 40 cities in 23 States that are concerned about rail crossing problems and for which rail line relocation may be the solution, I am sure there will be several more such cities that will be identified in the weeks to come. I ask unanimous consent that the list of these cities be printed in the RECORD.

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

CITIES CONCERNED WITH RAIL CROSSINGS AND RAIL LINE RELOCATION

Arizona: Marana and Tucson.
California: Fremont, Hemet, Mountain View, Paramount and Richmond.
Colorado: Arvada.
Georgia: Augusta.
Iowa: Iowa City.
Illinois: Carbondale, Elgin and Roselle.
Indiana: Portage.
Massachusetts: Boston.
Minnesota: Rochester.
Mississippi: Biloxi/Pascagoula, Greenwood, Jackson, Meridian, Tupelo and Vicksburg.
Missouri: St. Joseph.
North Carolina: Winston-Salem.
North Dakota: Fargo.
Nebraska: Grand Island and Lincoln.
Nevada: Reno.
New York: Hempstead.
Ohio: Brooklyn, Lima and Mansfield.
Oklahoma: Edmond.
Pennsylvania: Pittsburgh.
South Carolina: Columbia.
Tennessee: Germantown.
Texas: Beaumont, College Station and Laredo.
Wisconsin: Madison.

AGRICULTURE APPROPRIATIONS

MEDICAL DEVICE TECHNOLOGY

Mr. JOHNSON. Madam President, first I thank, Chairman KOHL and Senator COCHRAN for their outstanding work in putting together an excellent bill. An important part of this legislation provides funding for the Food and Drug Administration to perform its vital mission to protect and promote the public health. That mission includes the essential work of evaluating the safety and effectiveness of promising new life-saving and life-enhancing medical device technologies so that they may be used with patients in an expeditious manner. However, we must be sure that the Center for Devices and Radiological Health (CDRH) are provided with the adequate resources to carry out their work. The number of patents issued in the medical device sector has increased by 30 percent in recent years. The private sector is committing substantial increases in funding to healthcare research and development. We are fortunate that the FDA will be faced with the task of evaluating many new technologies that will benefit all of us next year. It is my hope that we could review this issue in conference to ensure that the pre-market review function at CDRH receives an appropriate level of funding to carry out their mission.

Mr. DORGAN. I thank my colleague for raising this matter. It is my concern that the pre-market review function at the Center for Devices and Radiological Health does not have sufficient resources to keep up with the tremendous pace of innovation that is now taking place in the health sector. Despite the FDA's ongoing efforts to improve in this area, review times for breakthrough medical devices are lengthy and likely to get longer. While this bill makes important progress toward giving FDA the funds it needs to carry out its mission, I hope the chairman would work with us in conference

to find a way to provide the resources needed to reduce medical device application review times.

Mr. KOHL. I appreciate the remarks and understand the concerns expressed by my colleagues. I agree that patients should not have to wait for promising new therapies due to insufficient resources at FDA. Language in the report accompanying the Senate bill states that the increase received by FDA's Devices and Radiological Health Program for fiscal year 2002 is consistent with agency estimates for bringing medical device application review times within statutory limits. While this statement is accurate according to the budget submitted to congress by the FDA, I have been informed that in testimony to the House Appropriations Committee, FDA officials stated the agency would need more funds than requested in their budget to decrease application review times significantly. I believe it is important for us to work together to resolve this issue, and look forward to working with my colleagues and our House counterparts in the Conference Committee.

Mr. VOINOVICH. Madam President, I was proud to offer an amendment to the fiscal year 2002 agriculture appropriations bill.

The amendment I offered last week set aside \$500,000 from the Office of Generic Drugs at the Food and Drug Administration for use in the education and dissemination of information to America's senior citizens regarding the efficacy, safety and availability of generic drugs.

Currently, the FDA informs the public and providers about generic drugs through print advertising, reaching a limited number of individuals. It is my hope that this amendment will allow FDA to enlarge its outreach, utilizing not only print media, but also radio and television public service announcements.

In the absence of a Medicare prescription drug benefit, it is imperative that Congress provide alternative avenues for seniors needing to lower their out-of-pocket prescription drug costs.

Although millions of seniors already know about and use generic drugs, there are still many others who are not aware of their availability. Indeed, many highly used brand-name drugs whose patents have expired have generic alternatives available. These generic drugs are chemically identical in their active ingredient to their brand-name counterparts and are sold at substantial discounts from the branded price.

For example, the prescription drug Keflex, an antibiotic, costs approximately \$88 per month. Its generic equivalent costs about \$13 per month, a potential annual savings of \$900 for an individual who uses this product. In fact, according to the Congressional Budget Office, generic drugs save consumers an estimated \$8 to \$10 billion per year at retail pharmacies.

As each of my colleagues knows, the nature of health care has changed dramatically in America since the creation of Medicare in 1965. In many instances, diseases or conditions that once required hospitalization are now treated by pharmaceuticals. However, as advances in pharmaceuticals continue and the population ages, the Center for Medicare and Medicaid Services reports that national spending for prescription drugs is expected to more than double from an estimated \$117 billion to \$366 billion over the next ten years. Unfortunately, the financial burden on Medicare beneficiaries, those who use prescription drugs the most, will continue to increase. Consider the fact that Medicare beneficiaries account for 14 percent of the U.S. population, yet they consume approximately 43 percent of the nation's total drug expenditures and you can understand why we need to address this issue.

\$500,000 will ultimately only be a drop in the bucket in finding a solution to providing access to affordable prescription drugs to seniors. However, these funds will help provide valuable information to those who rely on medications the most. With greater reliance on pharmaceuticals, increased direct-to-consumer advertising and the increased empowerment of seniors, it is imperative that those who use prescription drugs become better educated about the availability of generic equivalents that are just as effective as their name-brand counterpart.

While seniors wait for Congress to pass permanent prescription drug benefit legislation, the federal government should capitalize on other opportunities to aid seniors in their effort to obtain affordable prescription drugs.

That is why I have offered this important amendment and why I will work with Secretary Thompson and the Department of Health and Human Services to provide seniors with thorough information regarding highly utilized drugs, their generic equivalent and comparative pricing, as well as any other pertinent information that is necessary to improve the health and quality of life of our senior citizens. This information would prove to be highly useful to seniors and could easily be included in the annual "Medicare & You" publication. Seniors are typically very knowledgeable consumers of health care, and whatever information we can provide is a critical way to help them bypass the high cost of prescription drugs.

It is a sad reality that some senior citizens on fixed incomes do not take their full doses of their medications because they try to save money by stretching out their supply. Unfortunately, such self-medication can lead to life threatening health considerations. The amendment I offered will help our seniors get the information they need on lower cost generic drugs so they may obtain the prescription drugs they need to live their lives to the fullest.

I thank the manager and ranking member of the subcommittee for accepting this important amendment.

CHANGES TO THE 2002 APPROPRIATIONS COMMITTEE ALLOCATION AND BUDGETARY AGGREGATES

Mr. CONRAD. Madam President, section 314 of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to adjust the budgetary aggregates and the allocation for the Appropriations Committee by the amount of appropriations provided to the Social Security Administration for continuing disability reviews, up to \$520 million in 2002, and the amount of appropriations provided to the Department of Health and Human Services for adoption incentive payments, up to \$20 million in 2002. S. 1536, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for 2002, provides a total of \$453 million for the two activities. That budget authority will result in new outlays in 2002 of \$384 million.

Pursuant to section 302 of the Congressional Budget Act, I hereby revise the 2002 allocation provided to the Senate Appropriations Committee in the concurrent budget resolution.

Pursuant to section 311 of the Congressional Budget Act, I hereby revise the 2002 budget aggregates included in the concurrent budget resolution.

I ask unanimous consent to print tables 1 and 2 in the RECORD, which reflect the changes made to the committee's allocation and to the budget aggregates.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—REVISED ALLOCATION FOR APPROPRIATIONS COMMITTEE, 2002
(In millions of dollars)

	Budget authority	Outlays
Current Allocation:		
General Purpose Discretionary	547,491	537,523
Highways		28,489
Mass Transit		5,275
Conservation	1,760	1,232
Mandatory	358,567	350,837
Total	907,818	923,356
Adjustments:		
General Purpose Discretionary	453	384
Highways		
Mass Transit		
Conservation		
Mandatory		
Total	453	384
Revised Allocation:		
General Purpose Discretionary	547,944	537,907
Highways		28,489
Mass Transit		5,275
Conservation	1,760	1,232
Mandatory	358,567	350,837
Total	908,271	923,740

TABLE 2.—REVISED BUDGET AGGREGATES, 2002
(In millions of dollars)

	Budget authority	Outlays	Surplus
Current allocation: Budget Resolution	1,515,766	1,481,544	187,121
Adjustments: CDRs, adoption incentives	453	384	-384

TABLE 2.—REVISED BUDGET AGGREGATES, 2002—

Continued			
(In millions of dollars)			
	Budget au- thority	Outlays	Surplus
Revised allocation: Budget Resolu- tion	1,516,219	1,481,928	186,737

Prepared by SBC Majority staff on 10-30-01.

SPECIALIST JONN J. EDMUNDS

Mr. THOMAS. Madam President, today I rise to speak about a very special soldier from Cheyenne, WY.

A U.S. Army Ranger was one of two soldiers killed October 19, when a Black Hawk helicopter crashed in Pakistan.

Spc. Jonn J. Edmunds died when the helicopter he was riding in crashed while supporting Operation Enduring Freedom.

Jonn Edmunds was a 1999 Cheyenne East High graduate. He was 20 years old.

Jonn Edmunds and Pfc. Kristofer T. Stonesifer of Missoula MT, are the first combat deaths of the U.S. led military campaign against terrorists in Afghanistan. The soldiers were members of B Company Third Battalion, 75th Ranger Regiment, based in Fort Benning, GA.

Last Saturday, I attended Spc. Edmunds' funeral and had the opportunity to speak with Jonn Edmunds' father Donn. I told him how sorry we are for his loss. How words are not enough to comfort his family and friends or to express our pride for the job he was asked to do.

This unfortunately, is war and this terrible loss will not be the last. That certainly doesn't make it any less difficult for the family when someone like Jonn, young, patriotic, dedicated to his country and service, is killed.

I want to again offer my sincere condolences to the family. We don't pretend to understand your loss, but we share in your grief. Wyoming shares your grief and they, like I do, thank you for your son's service.

War is hell. It will take the lives of soldiers and innocents alike.

I believe, as do all American's, that our cause is just. The cost of doing nothing would be much worse. This effort will not be a short one. It is important that we stay dedicated to the cause of defeating terrorism even in the face of terrible loss.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred February 17, 1999 in Novato, CA. A 17-year-old gay male

student, Adam Colton, was ambushed and severely beaten. The letters F-A-G had been scratched into his stomach and arms. Colton had been beaten the previous September in an anti-gay incident.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

OVERSEAS COOPERATIVES

Mr. HAGEL. Madam President, I rise to commend Senator LEAHY and Senator MCCONNELL for their leadership in crafting the Fiscal Year 2002 Foreign Operations Appropriations Bill.

I am here today to state my continued support of international economic assistance for programs that utilize co-operatives and credit unions. Last year, Senators GRAMS, FEINGOLD and I sponsored the Support for Overseas Development Act, S. 3072. This Act was included as part of a larger bill, the Microenterprise for Self-Reliance and International Anti-Corruption Act, H.R. 4673, which was signed into public law on October 17, 2000. This bipartisan legislation enhances current language in Section 111 of the Foreign Assistance Act of 1961.

Overseas cooperatives foster similar principles abroad that U.S. cooperatives are based on: free democratic associations of mutual benefit for members. For four decades, cooperatives and credit unions have proven to be an effective and efficient way to assist people in developing and market transition countries. Currently, U.S. cooperatives are working in over 67 different countries.

Under our legislation, USAID is encouraged to put greater priority on the development of agricultural cooperatives for marketing, processing and inputs. USAID should explore community-based cooperatives for rural electric and telephone service when national utilities are privatized. Strong financial cooperatives, such as credit unions and farm credit associations, are ways to generate member-owned savings and provide micro-loans to entrepreneurs and farmers. Housing and community development cooperatives can address issues such as daycare for HIV/AIDS, orphans and community responses to environmental problems such as solid waste collection.

The Administrator of USAID, Andrew Natsios, is currently putting together a report to Congress regarding the implementation plan for this legislation. I am looking forward to reviewing this report.

Credit unions and rural cooperatives are able to mobilize local savings or equity for micro-loans as a way to provide greater food security, the world's poor need access to microenterprise

loans, credit and savings. Rural areas in developing countries need electricity and telecommunications, yet history shows that there are insufficient profits for private companies to enter these markets. Cooperatives should be part of programs pursued by the World Bank and other multilateral institutions to enhance rural communities as part of their private sector approaches.

USAID can tap cooperative methodologies to bridge ethnic and sectarian differences to build communities in areas that are rife with conflict. In communities ravaged by HIV/AIDS, war, terrorism and inequality, cooperatives empower communities. Cooperatives are direct and meaningful expressions of diplomacy where poor people can participate in decision-making that affects their daily lives.

Overseas cooperatives are an important way to promote broad-based economic, political and social development. I am looking forward to progress on this legislation in fiscal year 2002.

ADDITIONAL STATEMENTS

WISE WORDS FROM A WARRIOR'S WARRIOR

• Mr. MILLER. Mr. President, Colonel David H. Hackworth, U.S. Army, Ret., knows war as few men do. Today's most decorated living soldier, he is a warrior's warrior.

He joined the Army when he was 15, was battlefield commissioned in Korea when he was 20 and was the youngest colonel in Vietnam.

His heroic achievements in both these wars made him a living legend. Never afraid to speak out, even when it meant criticizing our effort in Vietnam, Hackworth has long been a knowledgeable observer worth listening to.

This old soldier who has seen so much shared his recent observations in a thought-provoking, tell-it-like-it-is column in The Washington Times. It is an article that should be read and believed by all Americans. I ask that the article be printed in the RECORD.

The article follows:

[From the Washington Times, October 27,
2001]

FIGHT OR FLIGHT?

(By David Hackworth)

My No. 1 son rang from Florida: "Dad we're scared. We're starting to wonder if we made a mistake leaving Indiana." Another Floridian, Frederick George, wrote: "I've never been more depressed than now. I'm 86 years old, and I've seen a lot."

My phone rings off the hook, and my mailbox is jammed. Most of the messages say: We're not coping well with this War Against Terrorism. My comeback: Get used to it.

We're in for at least 30 rounds, and Round One is far from being over. My 5- and 8-year-old grandkids will probably be in college before the last terrorist creep has been hunted down and folks can get back to the way things were before Sept. 11.

You can try running, but you can't hide from fear. Just ask the yellow-stained members of the House who ignored the report

from last year's Hart-Rudman Commission predicting "a direct attack against American citizens on American soil is likely over the next quarter-century" and then cut and ran when the first shot came their way.

But the attack on the World Trade Center proved in spades that all citizens of every free country in the world are now targets, so there's no longer any place safe to run. The quickest way to get a grip and make it through this new kind of war is to check out—and copy—the combat soldier's MO. The whole living-on-the-bayonet-edge mindset becomes almost second nature once a grunt accepts that his life can be snuffed out any second. His ears get used to incoming—they automatically tell him to hit the deck because a round is about to thud in close, or to finish that smoke because it's going over the hill. He's used to walking through areas where one misstep will explode a mine and take his leg or life, and he learns to take care of himself and his buddies almost without thinking. Or he lets fear rule and goes mad. Or he goes into denial and gets killed.

Many of you are combat vets—you just don't remember that for most of your lives you lived with the fear of being instantly incinerated and radiated by the Bomb. Remember the air-raid sirens and the "Duck and Cover" drills? Those 25,000 Soviet nuclear warheads once pointed at you and yours would have done a zillion times more damage than terrorist bombs, kamikaze planes or bugs and germs.

On the battlefield, I wore my steel pot begrudgingly. It was heavy and a pain. But I knew it would improve my chances of staying alive, so I cursed it while I wore it. Now I resent wearing a surgical mask and gloves and opening much of my mail outside. But just like wearing that helmet, it helps me stay alive while the FBI and the police track down the terrorist sleepers imbedded in our society.

And so must all of you learn to live on a potential killing field. Instead of letting fear knock you down, use it as warriors do to stay alive. Fear can pump up your reactions if employed positively and let you make it through the darkest night. Survival is our strongest instinct, and we will win this sucker just as we did World War II, the Cold War and the conflict that follows this one.

The other survival skill you should borrow from a grunt is alertness. A soldier asleep on guard duty is a dead soldier. A terrorist will have a tough time doing his thing if we all keep a sharp eye out for whatever doesn't compute. Like some weirdo learning to fly a plane who wants to give takeoffs and landings a miss. Or a non-islander buying a one-way air ticket to Hawaii or Guam.

Fortunately, most Arab terrorists coming our way will be easy to spot except on Halloween. If you see some character at the water reservoir, parked near the nuclear reactor, fiddling with a building's air-conditioner intake vents, delivering unordered fire extinguishers or bicycling around with a backpack, keep him under surveillance and notify the authorities quickly.

Use that fear to stay alert and stay alive.●

HONORING PAUL DUFAULT

● Mr. KERRY. Mr. President, today I honor one of the most fervent advocates for the labor movement and working families across the country; Mr. Paul Dufault.

For the past 45 years, Paul has served the men and women of New England as an active member, secretary-treasurer and later as president of the United Food and Commercial Workers Local

1445. Despite a changing economy and an evolving workforce, Paul's vision and motivation remained strong and unwavering for almost half a century. I am proud to extend to him my warmest appreciation for his steadfast commitment to economic prosperity for all individuals and families.

Paul began his career in labor advocacy as a part-time employee at Stop and Shop Supermarket, where he became a member of the Retail Clerks Union Local 1445 in 1956. Four years later, when Local 826 of Worcester acquired the Worcester jurisdiction from Local 1445, Paul was brought on as an organizer. Paul's strong work ethic and potential did not go unnoticed as this was reflected in his promotion to business agent. This was followed in 1967 with an appointment to International Representative. Paul then advanced in 1971 to president of Local 1435. With the merger of the Retail Clerks International Union and the Amalgamated Meat Cutters and Butcher Workmen in 1976, Local 1435 merged with Local 1445 and Paul stepped into the position of secretary-treasurer.

In 1996, Paul was elected president of United Food and Commercial Workers Local 1445 of Boston, MA. More than 3,000 new Local 1445 members were organized in the last three years, resulting in Local 1445 becoming the largest UFCW local in New England. Paul's leadership has resulted in improved benefits and working conditions for members. Local 1445 is indebted to Paul and all he has done for the working men and women of New England and I join them in thanking Paul for his contribution to the labor movement over the last 45 years.

In addition to Paul's accomplishments in Local 1445, Paul was also vice president of the Massachusetts AFL-CIO and served as chairman of the UFCW Interstate Health & Welfare fund, where he had been a trustee since 1971. He contributed his expertise in labor issues to the Gloucester Seafood Workers Pension and Health Welfare fund as a trustee, and served as an alternate on the UFCW National Pension Fund, as well.

Mr. President, I am truly grateful to join families across Massachusetts and throughout the country in celebrating Paul's career and contributions. I wish he and Judy, as well as his four children and seven grandchildren, the very best as they begin this new chapter in their lives.●

RECOGNITION OF SALLY SKINNER BEHNKE

● Mrs. MURRAY. Mr. President, I would like to take this opportunity to recognize an outstanding citizen of the State of Washington. Sally Skinner Behnke has been awarded the 2001 Isabel Colman Award for Excellence in Community Service for displaying significant and broad based leadership in her community. This prestigious award is given by the YWCA of Seattle-King

County-Snohomish County and is reserved for an individual or organization whose efforts have contributed to enhancing the quality of life in the community. Ms. Behnke's efforts for over 20 years have done just that.

Some of her many achievements include being the first woman to serve on the board of Washington Mutual, Past President of the University of Washington Alumni Association, founding member and Past President of the Northwest School for Hearing Impaired Children, and an active fund-raiser for the Lifelong AIDS Alliance. The two experiences that she is most proud of are working on the board of the Fred Hutchison Cancer Research Center and serving as Past Board Chair of Children's Hospital. These contributions to our community make her more than worthy of this award and our recognition.

Ms. Behnke's work is inspiring, and her words are encouraging. She said, "Take care of your home. Look around at this wonderful, wonderful place that is yours and mine. And if you haven't already, find a little corner of it to give your heart to."

On behalf of the people of Washington State, I would like to thank Ms. Behnke for her time, energy and many years of dedicated service.●

TRIBUTE TO MELVIN VAN PEEBLES

● Mr. LEAHY. Mr. President, in a year when we have seen such terrible news about New York, we do well to remind ourselves of all the good things that come from that great city.

One such thing was the awarding of Chevalier in the Legion D'Honneur to my friend, Melvin Van Peebles, by the Consul General of the Republic of France on April 24 of this year. The award was made to Mr. Van Peebles because of his work as an author, a producer, and a director of award-winning films.

I have known Melvin for years, and I know him as a man of conscience, talent, erudition, and eclectic friendships. I have always considered myself honored to be one of his friends. The man who first introduced me to Melvin was my good friend, Dr. Henry Jarecki, of New York, and he and Gloria Jarecki hosted the investiture at Gramercy House in New York City.

I ask consent to print in the RECORD the comments made by Dr. Jarecki at that event, and to add my own congratulations to Melvin Van Peebles for an award justly deserved.

The comments follow:

REMARKS OF DR. HENRY JARECKI

Back in the fifties, while Melvin was becoming well-known in America, I had been out of the country. So it is no surprise that when Katie McGee first mentioned the name Melvin Van Peebles some thirty-five years ago, I knew so little about his work that I expected to meet a Dutchman. It was indeed some years before I knew who I was dealing with but in the meantime he had become a

close friend who I could hang out with and gab about philosophy, somebody who was an advisor and when needed, a fellow mischief-maker. Gradually, I got to see and know all about the famous Sweetback movie and his other films and I read and saw his plays, especially *Ain't Supposed to Die a Natural Death* and *Don't Play us Cheap*, two of the ones I think are among the great works of American literature. *Waltz of the Stork*, a musical I backed, was not one of the great works. Otherwise I would be rich today. But we reflected on a lot more plays, too, including the Bessie Smith piece called the *Champeen* that we argued about for five years and still have to make.

Close friends sometimes disagree—we solved that by making bets. One bet he lost made him work for me on Wall Street for a year during which he became the first Black trader on the American Stock Exchange. Not surprisingly, he wrote a book about it as he does about almost anything he does. That book, called *Bold Money*, introduced many nonprofessionals to the world of security option trading. He always writes books about what he does. He makes movies about the making of movies and he writes books about the "making of the making of a movie" movie. Happily, all of this piques his viewers' and readers' interest and makes him a bunch of money.

But he's made a lot more than movies, plays, and money. He has made a number of wonderful children, all of whom I've had the pleasure of hanging out with over the years, Megan, Mario, Max, and maybe more. Megan has the beauty and the wonderful heart she had when she worked at *Mocatta* and Mario has become a distinguished motion picture actor and director himself. Very few people know that one of the steps of his professional life, maybe the step that taught him all there was to learn about acting before he went to Hollywood was working as a gold trader for me at a company called *Mocatta*.

The Van Peebles children have been friends of my children and Melvin himself has helped each of my children, most recently my son Eugene, who made a film called *The Opponent* based loosely on Eugene's early life friendship with Mike Tyson. Melvin's most recent French film, *A Belly Full*, was not the reason for this Legion of Honor award but was its occasion.

Even before making a great name in America, Melvin had become well-known in France, partly for his book and movie, *Story of a Three-Day Pass* which had won many awards there, and throughout his life he has remained an American bridge to France, even having one French son, Max, who has helped him work on many of his movies. And so this clearly American icon has gradually become a French figure of the arts as well.

We are all honored to be here tonight with Melvin Van Peebles to help celebrate his receiving this award from Consul-General Richard Duque who honors us with his presence. I personally have in my own very modest film-making career achieved only one thing: when I, following in Melvin's footsteps, was making a movie about Cuban music in Havana with my friend Gary Keys, I managed to buy some Cuban cigars and also a wonderfully appropriate humidor in which to keep them. And so, Melvin, I take pleasure in presenting you with this unusual-looking humidor and the accompanying box of Cuban cigars. If you choose to give some of these cigars out to some of your guests here, feel free to do so: I have a second one upstairs. And those who worry about smoking Cuban cigars—and I'm not one—can always say the words of Melvin's friend Pat Leahy, the Senator from Vermont, who tells us that he cannot be criticized for burning Castro's crops.

Thank you all for coming.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 2:41 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 70. A joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. BYRD).

MEASURES PLACED ON THE CALENDAR

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

H.R. 1552. An act to extend the moratorium enacted by the Internet Tax Freedom Act through 2006, and for other purposes.

S. 1572. A bill to authorize the provisions of educational and health care assistance to the women and children of Afghanistan.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4507. A communication from the President of the United States, transmitting, pursuant to law, a report relative to an arrangement with the United Nations regarding the reciprocal debt forgiveness contemplated by the legislation; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-200. A resolution adopted by the Senate of the General Assembly of the State of Rhode Island relative to maintaining the public institutions status of D.C. General Hospital; to the Committee on Governmental Affairs.

SENATE RESOLUTION

Whereas, D.C. General Hospital, a 108-year-old health care facility located in our na-

tion's capital, will stop operating as a full-service public hospital as a result of the Mayor of Washington, D.C.'s plan to privatize the hospital, eliminating a safety net for thousands of disadvantaged people who otherwise would not have access to basic health care services; and

Whereas, D.C. General Hospital is a major trauma center and plays an indispensable role in providing quality and affordable health care to the 100,000 under and uninsured residents of the city. Additionally, the hospital is only one of two health care facilities in the Washington, D.C. area with a Level III neo-natal unit, treating 1,000 premature and critically ill infants a year; and

Whereas, Concerns over the possible closing of the hospital and the move to change its public institution status have generated opposition from numerous observers throughout the country, including health care officials, representatives of medical organizations, community activists and policymakers who feel that D.C. General Hospital represents this country's commitment to providing health care services to the residents of its inner cities; and

Whereas, D.C. General Hospital should continue to operate as a fully-funded public hospital in order to provide lifesaving health care services to Washington, D.C.'s poor and uninsured: Now, therefore be it

Resolved, That this Senate of the State of Rhode Island and Providence Plantations hereby urges the Congress of the United States to maintain the public institution status of D.C. General Hospital so it can continue to operate as a fully funded public hospital, provide lifesaving health care services to Washington, D.C.'s poor and uninsured and represent this country's commitment to providing health care services to the residents of its inner cities; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the United States Secretary of Health and Human Services, the presiding officers of the United States Senate and House of Representatives and the entire Rhode Island congressional delegation.

POM-201. A joint resolution adopted by the General Assembly of the State of Rhode Island relative to imposing a moratorium on major airline industry mergers; to the Committee on the Judiciary.

JOINT RESOLUTION

Whereas, Economic development and prosperity are dependent upon a competitive airline industry providing reasonable rates, access, and efficient services for the transportation of people and goods; and

Whereas, Competition in the airline industry will be drastically reduced if pending mergers are allowed to proceed without comment from consumer, business, and labor organizations; and

Whereas, Airline industry competition is essential to keeping prices reasonable and service satisfactory for consumers and business travelers, and lack of competition will cause longer delays in air travel and decreased customer service; and

Whereas, These merger proposals will inevitably lead to further consolidation in the airline industry. This consolidation will decrease service and access in certain markets and localities, and hinder or prevent new low-cost airline carrier's entrance into the market; and

Whereas, The United States Congress and Departments of Justice and Transportation are examining the proposed airline mergers: Now, therefore be it

Resolved, That this General Assembly of the State of Rhode Island and Providence

Plantations express concern over the prospect of decreased competition in the airline industry and the adverse economic and other impacts on this State, the surrounding region, and the nation as a whole; and be it further

Resolved, That this General Assembly of the State of Rhode Island and Providence Plantations hereby urges the President, the Congress, and the Departments of Justice and Transportation of the United States to impose a moratorium on major airline industry mergers in order to fully and carefully consider all consequences; and be it further

Resolved, That this General Assembly of the State of Rhode Island and Providence Plantations hereby urges the Attorney General of this State to separately communicate these and related concerns to the Attorney General and the Secretary of Transportation of the United States; and be it further

Resolved, That the Secretary of State be and he is hereby authorized and directed to transmit duly certified copies of this resolution to the President of the United States; the Speaker of the House of Representatives of the United States; the President of the Senate of the United States; the Attorney General of the United States; the Secretary of Transportation of the United States; and the Attorney General of the State of Rhode Island.

POM-202. A joint resolution adopted by the General Assembly of the State of Rhode Island relative to imposing a moratorium on major airline industry mergers; to the Committee on the Judiciary.

JOINT RESOLUTION

Whereas, Economic development and prosperity are dependent upon a competitive airline industry providing reasonable rates, access, and efficient services for the transportation of people and goods; and

Whereas, Competition in the airline industry will be drastically reduced if pending mergers are allowed to proceed without comment from consumer, business, and labor organizations; and

Whereas, Airline industry competition is essential to keeping prices reasonable and service satisfactory for consumers and business travelers, and lack of competition will cause longer delays in air travel and decreased customer service; and

Whereas, These merger proposals will inevitably lead to further consolidation in the airline industry. This consolidation will decrease service and access in certain markets and localities, and hinder or prevent new low-cost airline carrier's entrance into the market; and

Whereas, The United States Congress and Departments of Justice and Transportation are examining the proposed airline mergers; Now, therefore be it

Resolved, That this General Assembly of the State of Rhode Island and Providence Plantations expresses concern over the prospect of decreased competition in the airline industry and the adverse economic and other impacts on this State, the surrounding region, and the nation as a whole; and be it further

Resolved, That this General Assembly of the State of Rhode Island and Providence Plantations hereby urges the President, the Congress, and the Departments of Justice and Transportation of the United States to impose a moratorium on major airline industry mergers in order to fully and carefully consider all consequences; and be it future

Resolved, That this General Assembly of the State of Rhode Island and Providence Plantations hereby urges the Attorney General of this State to separately communicate

these and related concerns to the Attorney General and the Secretary of Transportation of the United States; and be it further

Resolved, That the Secretary of State be and he is hereby authorized and directed to transmit duly certified copies of this resolution to the President of the United States; the Speaker of the House of Representatives of the United States; the President of the Senate of the United States; the Attorney General of the United States; the Secretary of Transportation of the United States; and the Attorney General of the State of Rhode Island.

POM-203. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to amending the internal revenue code to accommodate certain tax issues related to the phase-out of Oldsmobile; to the Committee on Finance.

SENATE RESOLUTION NO. 108

Whereas, The phase-out of the Oldsmobile line of General Motors is bringing to a close an historic chapter in American automotive history. The end of this component of one of the world's largest corporations also has significant administrative and tax considerations that need to be addressed quickly to provide for a fair and smooth transition for those livelihoods are jeopardized; and

Whereas, As compensation for the loss of years of goodwill and the erosion of the value of large financial investments, Oldsmobile dealerships will be paid a one-time settlement. As federal tax laws now stand, this payment would be subject to personal and business federal taxes as income. In reality, however, the settlement money clearly should be categorized as involuntary converted property. Under this determination, the manufacturer's settlement would be treated like other property that can be converted to similar purposes over a specific period of time; and

Whereas, Every effort should be made to encourage the reinvestment of settlement resources to mitigate job loss, lessen the economic stress to local communities, and protect families from more serious financial difficulties. In addition, it would be poor public policy for the federal government to reap a tax revenue windfall as a result of this rare and unique situation; and

Whereas, As the home of the Olds automotive legacy and 20 of the top 50 Oldsmobile dealerships, Michigan has a major stake in the fair treatment of these businesses and individuals. It would be wrong for the tax code to act as a disincentive to the reinvestment of the settlement dollars in job-creating enterprises; Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact H.R. 2374 to amend the Internal Revenue Code to consider certain transitional dealer assistance related to the phase-out of Oldsmobile as an involuntary conversion; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-204. A legislative resolution adopted by the House of the Legislature of the State of West Virginia relative to September 11, 2001; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 1

Whereas, The United States of America stands as a Nation most respected throughout the world for its freedom and its defense of freedom; and

Whereas, Tens of thousands of men and women have fought and died to secure, main-

tain and guarantee this freedom, and have utilized this freedom to build the most powerful and most successful nation on earth; and

Whereas, On Tuesday, September 11, 2001, enemies of the United States encroached upon the sacred soils of our Nation and conducted a series of the most inhumane, murderous, attacks in the history of the world, hijacking and destroying four civilian aircraft, crashing two of them into the World Trade Center Towers in New York City, a third into the Pentagon outside Washington, D.C., and the fourth failing to reach its target and crashing in Pennsylvania, which monstrous attacks killed and injured thousands of innocent people and completely demolished the World Trade Center Towers and a portion of the Pentagon, symbols of American strength and success; and

Whereas, The freedom fought for, secured and maintained over the past two hundred twenty-five years is threatened by the attackers, by targeting symbols of America, clearly intended to intimidate our Nation and weaken our resolve; therefore, be it

Resolved by the House of Delegates:

That the members of the West Virginia House of Delegates hereby express their deepest, heartfelt sympathy to the families and friends of those killed and injured in the terrorist attacks of Tuesday, September 11, 2001, and the recovery efforts following the attacks;

That the members of the House of Delegates hereby offer collective condolences and unreserved expressions of support to the State and to the City of New York, to the State of Virginia, and to the State of Pennsylvania;

That the House of Delegates of West Virginia hereby condemns in the strongest possible terms the terrorists who contrived and carried out those attacks, as well as their sponsors or any person or nation which harbors terrorists;

That the House hereby commends the heroic actions of the myriad of rescue workers, volunteers and officials who responded to these tragic events with courage, determination and skill;

That we hereby publicly proclaim that we will not forget those who have fought and died to help secure and maintain our freedom, and we further publicly decry and condemn those who plot, plan and execute attacks on our freedom, our citizenry and our way of life;

That our thoughts and prayers go out to all those directly affected by the attacks and to those participating in the recovery from the attacks;

That the President of the United States and the Congress be hereby urged to deal swiftly and judiciously with the situation, that freedom might live; and, be it further

Resolved, That the Clerk of the House of Delegates forthwith prepare and cause to be delivered certified copies of this resolution to President George W. Bush, to the Honorable Bob Wise, Governor of the State of West Virginia, to U.S. Senators Robert C. Byrd and John D. Rockefeller IV, and to member of the United States House of Representatives Alan B. Mollohan, Shelley M. Capito and Nick Joe Rahall, to the Clerk of the United States House of Representatives and the Secretary of the United States Senate, to the Governor of New York and the Mayor of New York City, to the Governor of Virginia and the Governor of Pennsylvania, and to the Presiding Officers of the Legislatures of all the States in this Nation.

POM-205. A resolution adopted by the Senate of the Legislature of the State of West Virginia relative to September 11, 2001; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 503

Whereas, In the morning hours of September 11, 2001, terrorists hijacked four commercial jetliners, including the passengers and crew members, with intentions of using them as weapons of mass destruction against the United States; and

Whereas, Two of the jetliners were flown directly into the twin towers of the World Trade Center in New York City, a third into the Pentagon in Arlington, Va. and the fourth crashed in Pennsylvania without reaching a possible target in Washington, D.C.; and

Whereas, Thousands of innocent Americans and hundreds of foreign visitors were killed or injured as a result of these attacks, including the passengers and crew of the four jetliners, workers and visitors in the World Trade Center and military and civilian personnel in the Pentagon; and

Whereas, Sadly, in the aftermath of the attack in New York City both towers of the World Trade Center collapsed, killing and injuring hundreds more, including rescue workers trying to locate possible survivors; and

Whereas, It was the terrorists' intention, through these hate-filled attacks against the United States, to intimidate, embarrass and expose the vulnerability of the United States as a world power; and

Whereas, If history is to repeat itself, we only need to recall the words of Japanese Admiral Isoroku Yamamoto, after the surprise attack on Pearl Harbor, who said, "We have awakened a sleeping giant and have instilled in him a terrible resolve"; and

Whereas, We stand united as a nation to begin the process of healing and rebuilding, not only of symbols and structures of economic and military strength, but of our patriotism; and

Whereas, Our most sincere condolences are extended to the families of our innocent citizens and those foreign visitors who have died. Our greatest tribute to them should be that we stand united in our pursuit to bring their killers to justice and to commit ourselves to the war against terrorism around the globe; therefore, be it

Resolved by the Senate:

That the Senate hereby condemns the action of terrorists and their attack on the United States on September 11, 2001; and, be it further

Resolved, That the Senate extends its sincere and heartfelt condolences to the families of our innocent citizens and those foreign visitors who have died as a result of these senseless acts of violence; and, be it further

Resolved, That we commit ourselves to stand united in our pursuit to bring those responsible to justice and to continue our task to rid the world of terrorism; and, be it further

Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the President of the United States, the Secretary of the United States Senate and the Clerk of the United States House of Representatives.

POM-206. A resolution adopted by the Senate of the General Assembly of the State of Ohio relative to September 11, 2001; to the Committee on Foreign Relations.

RESOLUTION

Whereas, On Tuesday, September 11, 2001, the United States of America suffered on its own soil the most extensive, devastating, and heinous acts of terrorism that have ever been perpetrated on innocent civilian victims. On that date, four separate groups of terrorist hijackers took forcible possession of four different commercial jets and,

with incomprehensibly evil intent, used them as missiles to destroy some of the nation's most symbolic landmarks and to murder innocent people located within and around them; and

Whereas, The terrorists crashed one of the jets, American Airlines Flight 11, into the One World Trade Center building in the Manhattan borough of New York City, crashed another, United Airlines Flight 175, into the neighboring Two World Trade Center building, and crashed a third, American Airlines Flight 77, into the Pentagon in Washington, D.C. The fourth plane, United Airlines Flight 93, which apparently was on its way toward Washington, D.C., crashed approximately eighty miles from Pittsburgh, Pennsylvania. Shortly thereafter, the Two World Trade Center building collapsed as a result of the damage it sustained, followed quickly by the collapse of the One World Trade Center building and, later in the day, by the collapse of the neighboring Seven World Trade Center building; and

Whereas, It is estimated that thousands of innocent victims, including police officers, firefighters, and other rescue workers, lost their lives and that thousands more were injured as a result of these devastatingly evil acts of terrorism, causing human suffering of an incomprehensible magnitude; and

Whereas, The President of the United States and the United States Congress rightly have interpreted these terrorist acts as a declaration of war against the United States of America and all that it stands for. It is imperative at this dark time to unite as a nation in order to combat the evil of terrorism: Now therefore be it

Resolved, That the Senate of the State of Ohio fully supports the President of the United States and the United States Congress in the actions they must take in order to seek justice for the devastation that our nation has suffered from terrorism and to protect our nation from further terrorist acts of aggression; and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, to the members of the Ohio Congressional delegation, and to the news media of Ohio.

POM-207. A joint resolution adopted by the Legislature of the State of Alaska relative to anti-gun-ownership policies; to the Committee on the Judiciary.

JOINT RESOLUTION

Whereas the founding fathers considered popular ownership of firearms by private citizens to be a natural right and one of the surest safeguards against tyranny and governmental excesses; and

Whereas the Second Amendment to the United States Constitution recognizes and protects the inalienable right of American citizens to keep and bear arms; and

Whereas, in 1994, art. I, sec. 19, Constitution of the State of Alaska, was amended by an overwhelming majority to specifically protect an Alaskan's individual right to keep and bear arms; and

Whereas the Clinton Administration's stance on gun ownership moved dangerously in the direction of abridging or eliminating individual Second Amendment freedoms; and

Whereas, under the Clinton Administration, the United States Department of Justice interpreted the Second Amendment to not protect the right of individual citizens to keep and bear arms but to apply only to governmentally recognized military organizations; and

Whereas the Clinton Administration's stance on gun ownership intentionally ignored the original intent of the Constitution's framers and sought to dramatically limit the Constitutionally affirmed Second Amendment freedoms of individual law-abiding Americans; be it

Resolved, That the Alaska State Legislature urges President Bush to renounce the Clinton Administration's anti-gun ownership policies; and be it further

Resolved, That the Alaska State Legislature requests President Bush to use his executive powers and influence to reorient the United States Department of Justice towards a policy that fully recognizes the right of individual Americans to keep and bear arms as guaranteed by the Second Amendment to the United States Constitution.

POM-208. A resolution adopted by the House of the General Assembly of the State of Ohio relative to September 11, 2001; to the Committee on the Judiciary.

RESOLUTION

Whereas, Our nation and the entire civilized world was shocked and appalled by the vicious and horrific attacks perpetrated by terrorists upon the World Trade Center in the City of New York and the Pentagon Building in Washington, D.C. on September 11, 2001; and

Whereas, President George W. Bush and the Congress of the United States, Governor George Pataki of the State of New York, Mayor Rudolph Giuliani of the City of New York, and law enforcement, firefighters, and other emergency workers of the City of New York, Washington, D.C., and other parts of our nation immediately took bold action to protect the citizens of our nation and to provide leadership and relief for the victims of these attacks; and

Whereas, Thousands of people are dead or missing in the City of New York and in Washington, D.C., including hundreds of firefighters, and thus the people of the City of New York, the State of New York, Washington, D.C., and the United States in general are suffering greatly: Now therefore be it

Resolved, That the House of Representatives of the State of Ohio expresses its admiration and support for President George W. Bush and the Congress of the United States, for Governor George Pataki of the State of New York, for Mayor Rudolph Giuliani of the City of New York, and for the law enforcement, firefighters, and other emergency workers of the City of New York, Washington, D.C., and other parts of our nation, all of whom decisively responded to the terrorist attacks in the City of New York and Washington, D.C.; and be it further

Resolved, That the House of Representatives of the State of Ohio expresses its sympathy and support for the family and friends of all persons who died because of these terrorist attacks or the crash of United Airlines Flight 93 in Pennsylvania, whether their death occurred in the airplane or a building, on the ground, or in an attempt to rescue or serve others, and for all of the people of the City of New York, the State of New York, and Washington, D.C.; and be it further

Resolved, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the President of the United States, to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, to members of the Ohio Congressional delegation, to Governor George Pataki of the State of New York, to Mayor Rudolph Giuliani of the City of New York, and to the news media of Ohio.

POM-209. A resolution adopted by the Senate of the General Assembly of the State of

Pennsylvania relative to September 11, 2001; to the Committee on the Judiciary.

RESOLUTION

Whereas, On September 11, 2001, the people of the United States were deliberately attacked without warning or provocation, thus evoking another day that will “live in infamy”; and

Whereas, Let us never forget the nature and character of this cowardly and brutal attack in which individuals without conscience turned the early minutes of a normal workday into a vision of horror, with more American blood spilled on American soil than anytime since the Civil War; and

Whereas, These senseless, inhuman acts have turned our beloved, tranquil homeland into a scene of untold suffering and destruction; and

Whereas, The World Trade Center became a tomb for American Airlines Flight 11, carrying 81 passengers and 11 crew members, and United Airlines Flight 175, carrying 56 passengers and 9 crew members; and

Whereas, United Airlines Flight 93, carrying 38 passengers and 7 crew members, crashed in Somerset County, Pennsylvania; and

Whereas, American Airlines Flight 77 crashed into the Pentagon, killing 58 passengers and 6 crew members; and

Whereas, The unthinkable has occurred with the shedding of American blood on American soil by commercial aircraft under the control of suicide hijackers; and

Whereas, The bombing of Pearl Harbor nearly 60 years ago resulted in the loss of 2,388 American lives; and

Whereas, America gave 3,393 of her sons on D-Day to liberate Europe; and

Whereas, The terrorist attacks of September 11, 2001, are a tragedy of epic proportions, with preliminary reports of 252 confirmed dead, 6,291 injured and updated reports of 6,453 missing in the destruction of the World Trade Center and 189 presumed dead in the attack on the Pentagon; and

Whereas, The President of the United States has called these attacks of wanton aggression acts of war that will solidify our resolve to defeat the forces of terrorism; and

Whereas, This is the latest in a long series of murderous rampages committed against the United States and the world, including: the October 1983 bombing of the Marine barracks in Beirut, the December 1988 bombing of the Pan Am Flight over Lockerbie, Scotland, the February 1993 truck bomb which crippled the World Trade Center, the August 1998 bomb attacks on the United States embassies in Kenya and Tanzania and the suicide attack on the USS Cole in October 2000; and

Whereas, The attacks on the people of the United States are attacks on the people of the entire civilized world as at least 62 countries lost citizens in the carnage at the World Trade Center; and

Whereas, The world is outraged and shocked by such death and senseless mayhem and there appears to be no limit to the malice of those who must find some inconceivable satisfaction from the slaughter of innocents; and

Whereas, Our national resolve has come together as never before, for we, as one people, have a spirit that is solid and impenetrable; and

Whereas, Over \$200 million has been donated to date for financial assistance and aid to the victims of the attacks; and

Whereas, Those who cause us harm will be brought to justice in a world made smaller by the unity of all peoples of good will; and

Whereas, We encourage all Pennsylvania and Americans to pray for peace, the end of conflict and comfort for the victims, their

brokenhearted families and our bruised nation, as we share in the grievous losses of their loved ones; and

Whereas, In the days that have followed the tragedy we have heard of people, most previously unknown to us, whose lives were taken through these despicable acts. Let us celebrate their lives and accomplishments as their loss will impoverish our country in ways as of yet unknown; and

Whereas, We encourage support for our President, George W. Bush, as he weighs the options before him and seeks wise counsel for the difficult decisions that must be faced by our country in the months ahead; and

Whereas, We witness the prayer services, candlelight vigils and spontaneous supportive actions of a grieving nation that are a balm to wounded hearts across our stricken land; and

Whereas, Our duty is not to shrink, fearful of the future, but to go boldly to claim our place as a leader among nations and a people committed to freedom and justice; and

Whereas, We go forth affirming our cherished liberty and freedoms and now to rebuild an even better America and world; and

Whereas, We go forth fulfilling the promise of the future that was taken from so many as their sacrifice demands; and

Whereas, The intent of these horrific acts was to divide us into irreconcilable parts, let us confound such terrorism and come together as a nation and as a people as never before in a spirit of tolerance and true compassion for the beliefs that unite us are far more plentiful than the items that divide us; and

Whereas, Even as our nation weeps for our murdered fathers, mothers, sons and daughters, we will undertake the necessary task of rebuilding and safeguarding our future; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania urge the President and the Congress of the United States and this Commonwealth to commemorate every September 11 as a day of mourning and remembrance; and be it further

Resolved, That the Senate extend its deepest sympathies and condolences to the families and friends of the victims of this terrible tragedy; and be it further

Resolved, That the Senate unanimously and unequivocally condemn those individuals and countries who played any part in the shedding of innocent American blood; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-210. A resolution adopted by the Senate of the General Assembly of the State of Pennsylvania relative to the nations response to September 11, 2001; to the Committee on Armed Services.

RESOLUTION

Whereas, As our nation prepares its response to the horrors visited on our people on September 11, 2001, we pause to lend our support and give thanks to those who will be seeking justice for our beloved dead and injured; and

Whereas, As the President of the United States, George W. Bush, said in his speech to the nation during a joint session of the Congress of the United States on September 20, 2001: “Whether we bring our enemies to justice, or bring justice to our enemies, justice will be done”; and

Whereas, We wholeheartedly support the President of the United States in his pledge to use every resource at America’s disposal to successfully conclude the conflict brought

to our peaceful shores, whether through diplomacy, the use of intelligence capabilities, instruments of law enforcement and elimination of financial resources or every necessary weapon of war; and

Whereas, We recognize that a nation cannot maintain peace without a willingness to defend itself against terrorism or aggression; and

Whereas, The President of the United States has authorized the call-up of 50,000 reservists; and

Whereas, More than 35,000 reservists have been activated for homeland defense in order to permit troops to engage in other duties; and

Whereas, Those soldiers, sailors and Marines now being deployed have our complete support, unending thanks and countless prayers; and

Whereas, We pray that our men and women in uniform will be comforted and given strength to perform the very difficult tasks ahead of them; and

Whereas, The Pennsylvania Division of the National Guard, known as the 28th Infantry Division, is the oldest division in the Army in continuous service; and

Whereas, Pennsylvania has the largest National Guard unit in the United States; and

Whereas, Pennsylvania’s National Guard has played a crucial role in every major conflict since the early days of our nation; and

Whereas, The valiant citizen-soldiers of Pennsylvania’s National Guard, all 22,000 men and women, are properly trained and stand ready to do whatever is needed in the defense of our Commonwealth, our nation and our freedom; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania and the people of the Commonwealth of Pennsylvania commend and support the President of the United States as the Commander-in-Chief of our armed services; and be it further

Resolved, That the Senate send its support, prayers and gratitude to all our military service personnel as they undertake the difficult tasks that may lie ahead; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-211. A resolution adopted by the Grand Lodge of Ancient Free and Accepted Masons of the State of Missouri relative to National Respect; to the Committee on Governmental Affairs.

POM-212. A resolution adopted by the Guam Legislature relative to September 11, 2001; to the Committee on Energy and Natural Resources.

POM-213. A resolution adopted by the Commission of the City of Miami, Florida relative to September 11, 2001; to the Committee on Governmental Affairs.

POM-214. A resolution adopted by the Commission of the City of Miami, Florida relative to monies collected and earmarked to assist the victims of September 11, 2001; to the Committee on Health, Education, Labor, and Pensions.

POM-215. A resolution adopted by the City Council of Independence, Ohio relative to immediate action to enact measures to assist in restoring LTV Steel and the domestic steel industry to a competitive position and declaring an emergency; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

S. 1202: A bill to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006. (Rept. No. 107-88).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment:

H.R. 717: A bill to amend the Public Health Service Act to provide for research and services with respect to Duchenne muscular dystrophy.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 2215: A bill to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes.

S. 1319: A bill to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Navy nominations beginning Rear Adm. (lh) Jose L. Betancourt and ending Rear Adm. (lh) Thomas E. Zelibor, which nominations were received by the Senate and appeared in the Congressional Record on September 10, 2001.

Air Force nomination of Gen. Hal M. Hornburg.

Army nomination of Donald W. Dawson III.

Army nomination of Daniel M. Macguire.

Army nomination of Christopher M. Murphy.

Army nomination of Daniel F. Lee.

Air Force nominations beginning Brigadier General James P. Czekanski and ending Colonel Erika C. Steuterman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 18, 2001.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LIEBERMAN (for himself and Mr. ENSIGN):

S. 1585. A bill to establish grant and scholarship programs to enable hospitals to retain and further educate their nursing staffs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE (for himself and Mr. SMITH of New Hampshire):

S. 1586. A bill to amend the Atomic Energy Act of 1954 to authorize the carrying of firearms by employees of licensees, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Mr. BREAUX, and Mr. HOLLINGS):

S. 1587. A bill to provide improved port and maritime security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAIG (for himself, Mr. DORGAN, Mr. GRASSLEY, Mr. BAUCUS, Mr.

CRAPO, Mr. BAYH, Mr. BENNETT, Mr. CARPER, Ms. COLLINS, Mr. ENSIGN, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. INHOFE, Mr. KYL, Mrs. LINCOLN, Mr. MURKOWSKI, Mrs. MURRAY, and Mr. SMITH of Oregon):

S. 1588. A bill to provide a 1-year extension of the date for compliance by certain covered entities with the administrative simplification standards for electronic transactions and code sets issued in accordance with the Health Insurance Portability and Accountability Act of 1996; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. WELLSTONE, and Mr. BAUCUS):

S. 1589. A bill to amend title XVIII of the Social Security Act to expand medicare benefits to prevent, delay, and minimize the progression of chronic conditions, establish payment incentives for furnishing quality services to people with serious and disabling chronic conditions, and develop national policies on effective chronic condition care, and for other purposes; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Ms. LANDRIEU):

S. 1590. A bill to amend the National Environmental Policy Act of 1969 to improve the environmental review process that is associated with authorizations required under Federal law for construction, operation, or maintenance of energy facilities; to the Committee on Environment and Public Works.

By Mr. VOINOVICH (for himself, Ms. LANDRIEU, Mr. SMITH of New Hampshire, and Mr. INHOFE):

S. 1591. A bill to promote the safe and efficient supply of energy while maintaining strong environmental protections; to the Committee on Environment and Public Works.

By Mr. NELSON of Florida:

S. 1592. A bill to amend title XI of the Social Security Act to prohibit Federal funds from being used to provide payments under a Federal health care program to any health care provider who charges a membership or any other extraneous or incidental fee to a patient as a prerequisite for the provision of an item or services to the patient; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mr. SMITH of New Hampshire, and Mr. CRAPO):

S. 1593. A bill to authorize the Administrator of the Environmental Protection Agency to establish a grant program to support research projects on critical infrastructure protection for water supply systems, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. CLINTON (for herself, Mr. SMITH of Oregon, Mr. KENNEDY, and Mrs. MURRAY):

S. 1594. A bill to amend the Public Health Service Act to provide programs to improve nurse retention, the nursing workplace, and the quality of care; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MILLER (for himself and Mr. HELMS):

S. Res. 174. A resolution expressing appreciation to the United Kingdom for its solidarity and leadership as an ally of the United States and reaffirming the special relationship between the two countries; to the Committee on Foreign Relations.

By Mr. BOND (for himself, Mr. GRAHAM, Mr. VOINOVICH, Mr. JEFFORDS, and Mr. CRAPO):

S. Con. Res. 80. A concurrent resolution expressing the sense of Congress regarding the 30th anniversary of the enactment of the Federal Water Pollution Control Act; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 414

At the request of Mr. CLELAND, the names of the Senator from Missouri (Mrs. CARNAHAN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 414, a bill to amend the National Telecommunications and Information Administration Organization Act to establish a digital network technology program, and for other purposes.

S. 583

At the request of Mr. KENNEDY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 583, a bill to amend the Food Stamp Act of 1977 to improve nutrition assistance for working families and the elderly, and for other purposes.

S. 721

At the request of Mr. HUTCHINSON, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 721, 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. 987

At the request of Mr. TORRICELLI, the name of the Senator from Oregon (Mr. SMITH of Oregon) was added as a cosponsor of S. 987, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 990

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 990, a bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

S. 1140

At the request of Mr. HATCH, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1224

At the request of Mr. ALLARD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1224, a bill to amend title

XVIII of the Social Security Act to extend the availability of medicare cost contracts for 10 years.

S. 1292

At the request of Mr. EDWARDS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1292, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for dry and wet cleaning equipment which uses non-hazardous primary process solvents.

S. 1499

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. SMITH of Oregon) was added as a cosponsor of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1520

At the request of Mr. BAYH, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 1520, a bill to assist States in preparing for, and responding to, biological or chemical terrorist attacks.

S. 1530

At the request of Mr. HOLLINGS, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1530, a bill to provide improved safety and security measures for rail transportation, provide for improved passenger rail service, and for other purposes.

S. 1539

At the request of Mrs. CLINTON, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1539, a bill to protect children from terrorism.

S. 1552

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1552, a bill to provide for grants through the Small business Administration for losses suffered by general aviation small business concerns as a result of the terrorist attacks of September 11, 2001.

S. 1567

At the request of Mr. ENZI, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 1567, a bill to foster innovation and technological advancement in the development of the Internet and electronic commerce, and to assist the States in simplifying their sales and use taxes.

At the request of Mr. ENZI, his name was withdrawn as a cosponsor of S. 1567, supra.

S. RES. 171

At the request of Mr. FRIST, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Oregon

(Mr. SMITH), the Senator from Illinois (Mr. DURBIN), the Senator from Florida (Mr. NELSON of Florida), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Res. 171, a resolution expressing the sense of the Senate concerning the provision of funding for bioterrorism preparedness and response.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself and Mr. ENSIGN):

S. 1585. A bill to establish grant and scholarship programs to enable hospitals to retain and further educate their nursing staffs; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Madam President, I rise today to introduce the Hospital Based Nursing Initiative Act, a bill that will create new and innovative incentives to lessen the impact of the critical shortage of nurses in our Nation's hospitals. I am very pleased that my respected colleague, Senator JOHN ENSIGN, is joining as sponsor of this legislation/

Before I get into the specific about the bill, I'd like to talk about the overall condition of nursing in America for a moment. Several studies have been completed in the past year that show troubling trends developing in this historic profession. Take for example, the study that reflects a 41 percent dissatisfaction rate among nurses in America, higher than the dissatisfaction rate in most other countries throughout the world. Think about that for a moment, 4 out of 10 nurses in America are dissatisfied with their profession.

Another study reveals that nearly one third of nurses under the age of 30 plan to leave the nursing profession within the next year. In addition, the average age of nurses in America is 45, with many nurses headed toward early retirement. We cannot afford to lose both the older and younger nurses at the same time. Further, while the number of people that are being hospitalized may continue to decrease, those people who are being admitted are sicker and need more intensive nursing care. Not a very rosy picture for patients who are sick. We need to ask will there be someone to provide care for them?

The shortage of nurses has severely affected the health care industry. And hospitals have been hit the hardest since nearly 60 percent of nurses work in hospitals. Further, we know that when nurses have more autonomy, greater control and input into the decision making process, and better communication with physicians and hospital administration, they are more likely to experience greater job satisfaction and stay in their jobs longer.

These very tenets make up the American Nurse Credentialing Center's "Magnet" accreditation process of nursing services at hospitals. As a result, Magnet hospitals lead the way in attracting and retaining nurses.

Many hospitals have begun to take these steps already. But more must be done. There must be incentives for hospitals to revise their management principles to improve the quality of the work environment in the hospital, initiate aggressive retention programs for nurses currently working in the hospital setting, and create the types of programs that will increase personal and professional satisfaction for the nurses in their facilities.

That is why I am introducing the Hospital Based Nursing Initiative Act of 2001. This bill will create innovative incentives for hospitals that have taken the first steps in developing aggressive retention techniques and develop a scholarship program for hospital-based nurses to return to school on full tuition scholarship to complete a nursing degree.

The first component of this bill will create a competitive grant program that would provide funds to hospitals of up to \$600,000 based on staffed bed size for nursing services to use to bolster their retention efforts and improve the work environment for the nursing staff in the hospital. These grants would be made available every two years on a competitive basis. Several major nursing and hospital organizations, such as the American Hospital Association, American Nurses Association, American College of Health Care Executives, the American Organization of Nurse Executives, the American Academy of Nursing, the Pennsylvania State Nurses Association and the American Federation of Hospitals have wholeheartedly endorsed this bill. I am pleased that legislation which incorporates a number of ideas in this bill is moving toward markup in the Senate Health, Education, Labor and Pensions Committee. I appreciate the cooperative spirit with which members of the committee have worked together on these ideas.

The second part of my bill would allow nurses who work in hospitals to return to school on a full tuition scholarship in order to complete a Bachelor of Science in Nursing. This "Bridge" scholarship program targets the nearly 55 percent of the nursing workforce who hold an Associate's Degree in Nursing or Diploma in Nursing. Under the Bridge program, nurses will have up to three years to complete the Bachelor's degree. In turn, nurses who accept the scholarship must agree to work in the sponsoring hospitals for the same number of months that they receive scholarship funding. This program is a win-win situation: It provides ongoing advanced education for nurses who seek a higher level of training and we keep skilled nurses working in our hospitals.

We have the opportunity to make a difference. With the bill that Senator

ENSIGN and I are now introducing, we can take the necessary steps to thwart the nursing shortage and provide the critical incentives for hospitals to retain their nurses. We must do all we can to improve job satisfaction for nurses, provide them with opportunities for advanced education, and keep nurses on the job. The Hospital Based Nursing Initiative is the right bill at the right time. I urge my colleagues to support this legislation and help ease the burden on hospitals and nurses in our hospitals.

I ask unanimous consent that the text of the bill be printed in the RECORD. I further ask unanimous consent that letters supporting this legislation and its approach from each of the organizations I cited above likewise be printed in the RECORD.

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

S. 1585

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hospital-Based Nursing Initiative Act of 2001".

SEC. 2. FINDINGS.

Congress finds that—

(1) a Department of Health and Human Services study found a correlation between the number of registered nurses on the staff of a facility and patient health outcomes;

(2) studies have shown that hospitals that promote greater autonomy for nurses, greater nurse control and input into the decision-making process in the hospital setting, better communication between nurses and physicians, and input from nurses at the executive level in the hospital lead to increased retention of and satisfaction for nurses;

(3) the job dissatisfaction rate among nurses in the United States, 41 percent, is higher than in most other countries;

(4) ½ of nurses under the age of 30 are planning to leave the nursing profession within the next year;

(5) hospitals employ nearly 60 percent of the entire nursing workforce;

(6) while the number of inpatient hospitalizations is expected to continue to decrease, the acuity of those patients requiring hospital stays is expected to increase;

(7) the projected supply of registered nurses is anticipated to grow at a rate of less than 1.5 percent per year through the next 8 years, while the demand rate (growth) is projected to be over 21 percent per year;

(8) there must be incentives for hospitals to revise management principles to improve the quality of the work environment in hospitals, initiate aggressive retention programs for the nurses currently employed in hospital settings, and employ aggressive recruiting tactics to attract nurses back to hospital settings; and

(9) while numerous hospitals have begun to take the necessary steps to address these issues, Congress recognizes the need for intervention and stimulus.

SEC. 3. NURSE GRANT AND SCHOLARSHIP PROGRAMS.

Title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.) is amended by adding at the end the following:

"PART H—NURSE GRANT AND SCHOLARSHIP PROGRAM

"SEC. 851. DEFINITIONS.

"In this part:

"(1) DIVISION.—The term 'Division' means the Nursing Division of the Bureau of Health Professions of the Health Resources and Services Administration.

"(2) NURSE LEADERSHIP.—The term 'nurse leadership' includes—

- "(A) nurse executives;
- "(B) nurse administrators; and
- "(C) nurse managers.

"(3) PROFESSIONAL NURSE.—The term 'professional nurse' means a registered nurse who holds a valid and unrestricted license to practice nursing in a State.

"SEC. 852. QUALITY OF WORK ENVIRONMENT AND RETENTION GRANT PROGRAM.

"(a) AUTHORIZATION OF GRANTS.—The Secretary may award grants to hospitals—

"(1) to improve the quality of the work environment in hospitals;

"(2) to initiate aggressive retention programs for nurses employed in hospitals; and

"(3) to employ aggressive recruiting tactics to attract nurses back to hospitals.

"(b) APPLICATION.—

"(1) DEVELOPMENT OF APPLICATION FORM.—Not later than October 1, 2002, the Secretary shall develop an application form that a hospital shall use in applying for a grant under this section.

"(2) SUBMISSION.—Each hospital desiring a grant under subsection (a) shall submit an application to the Division at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(3) DUTIES OF THE DIVISION.—The Division shall—

"(A) review each application submitted under paragraph (2); and

"(B) not later than 30 business days after receipt of an application submitted under paragraph (2), forward the application to the Secretary with a recommendation as to whether the Secretary should award a grant to the applicant.

"(4) DUTIES OF THE SECRETARY.—Not later than 30 business days after receipt of an application from the Division under paragraph (3), the Secretary shall determine whether to award a grant to the applicant.

"(c) GRANT APPROVAL CRITERIA.—

"(1) PRIORITY CRITERIA.—The Secretary shall give priority in awarding grants under this section to hospitals that have not previously received a grant under this section.

"(2) REQUIREMENTS.—Before awarding a grant under subsection (a), the Secretary shall assure that the hospital meets the following criteria:

"(A) MULTIPLE GRANTS.—The hospital has not received a grant under this section during the previous 2 year period.

"(B) SYSTEM OF PATIENT OUTCOMES MEASUREMENT.—

"(i) IN GENERAL.—The nurse leadership and professional nurses of the hospital have developed a system of patient outcomes measurement.

"(ii) DELIVERY OF CARE.—The system of patient outcomes measurement under clause (i) evaluates the specific care needs of the patients served by the hospital and the educational needs of the nursing staff of the hospital to ensure that the care the hospital is providing is meeting the needs of the patients.

"(iii) FUNDING.—The hospital allocates sufficient funds to carry out the system of patient outcomes measurement under clause (i).

"(C) DECISIONMAKING.—

"(i) MULTIDISCIPLINARY APPROACH.—The hospital uses a multidisciplinary decision-making process that incorporates the input of the nursing staff of the hospital when refinements, resulting from the evaluation under subparagraph (B)(ii), are developed.

"(ii) PARTICIPATION IN DECISIONMAKING.—The nurse leadership of the hospital has developed and implemented policies and practices that—

"(I) ensure participation of the nursing staff of the hospital in the decisionmaking processes of the hospital; and

"(II) foster the nursing staff's ability to maintain autonomy in the delivery of care.

"(D) NURSE EXECUTIVE PARTICIPATION.—The nurse executive in the hospital participates and provides input in all facets of senior level management as a member of the executive team of the hospital.

"(E) NURSE RETENTION COMMITTEE.—The nurse leadership of the hospital has organized a Nurse Retention Committee that—

"(i) includes nursing staff representatives from the various nursing specialties practicing in the hospital;

"(ii) meets on a regular basis and forwards recommendations for initiatives to increase nurse retention to the nurse leadership; and

"(iii) works with the nurse leadership of the hospital to address and forward the recommendations under clause (ii) to the executive team of the hospital.

"(F) NURSE RESIDENCY TRAINING PROGRAM.—

"(i) IN GENERAL.—The hospital has developed a Nurse Residency Training Program (referred to in this section as the 'NRTP') for—

"(I) new graduate nurses entering the workforce on a full-time basis in a hospital setting; and

"(II) nurses returning to a hospital staff on a full-time basis after an absence of not less than 3 years without working in the nursing field.

"(ii) RETURNING NURSES.—The nurse leadership of the hospital evaluates the skills and competencies of each nurse described in clause (i)(II) to determine—

(I) whether that nurse needs to participate in the NRTP; and

(II) for how long that nurse should participate in the NRTP if it is determined under subclause (I) that the nurse needs to participate in the NRTP.

"(iii) TRAINING.—The—

"(I) hospital coordinates, to the greatest extent possible, the NRTP with an accredited school of nursing; or

"(II) NRTP is not less than 3 months and not more than 1 year in duration and accommodates sufficient training opportunities as determined by the nurse leadership in the facility.

"(G) CONTINUING EDUCATION.—The hospital promotes and, to the greatest extent possible, provides continuing education for the nursing staff—

"(i) to obtain nursing-related certification;

"(ii) to maintain continuing education units as required for nursing-licensure; and

"(iii) to further clinical skills through advanced training opportunities.

"(H) RECOGNITION AND REWARD PROGRAM.—The hospital has developed a recognition and reward program in conjunction with subparagraph (G) for a nurse who obtains a nursing-related certification from an accredited or professionally recognized organization that provides—

"(i) financial recognition and rewards; or

"(ii) non-financial recognition and rewards that are determined by the Nurse Retention Committee of the hospital to be appropriate.

"(d) ALLOCATION.—

"(1) IN GENERAL.—The Secretary shall determine the amount of a grant awarded to a hospital under this section on a case by case basis subject to paragraph (2).

"(2) MAXIMUM AMOUNTS.—The Secretary shall not award a grant exceeding—

"(A) \$200,000 for a hospital with less than 100 staffed beds;

“(B) \$400,000 for a hospital with less than 400 staffed beds; and

“(C) \$600,000 for a hospital with 400 or more staffed beds.

“(e) RECEIPT OF FUNDS.—Not later than 60 days after awarding a grant to a hospital under subsection (a), the Secretary shall distribute the grant funds to the hospital.

“(f) USES OF FUNDS.—A grant awarded to a hospital under subsection (a) shall be used for 1 or more of the following:

“(1) Improvements to the work environment of the hospital for the nursing staff that improves the nursing staff's job satisfaction or safety, or both.

“(2) To provide continuing education programs for the nursing staff.

“(3) To continue the Nurse Residency Training Program.

“(4) To carry out initiatives recommended by the Nursing Retention Committee of the hospital to increase retention of the nursing staff.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$30,000,000 for each of fiscal years 2003 through 2005 and such sums as are necessary for each of fiscal years 2006 and 2007.

“SEC. 853. BRIDGE SCHOLARSHIP PROGRAM.

“(a) PROGRAM AUTHORIZED.—The Secretary shall establish a Bridge Scholarship Program (referred to in this section as the ‘program’) to provide scholarships to hospital-based professional nurses to enable such nurses to complete a Bachelor of Science in Nursing degree (referred to in this section as the ‘degree’) in exchange for service from such nurses in sponsoring hospitals upon completion of such degree.

“(b) ELIGIBILITY.—To be eligible to participate in the program an individual shall—

“(1) be employed by a hospital;

“(2) be accepted for enrollment, or be enrolled, in an accredited school of nursing;

“(3) submit the required materials in accordance with subsection (c)(2); and

“(4) be able to complete the degree not later than 3 years after enrolling in the accredited school of nursing.

“(c) APPLICATION PROCESS.—

“(1) DEVELOPMENT OF APPLICATION FORM.—The Secretary shall develop an application form that an individual shall use to apply for a scholarship under the program.

“(2) SUBMISSION.—Each individual desiring a scholarship under the program shall submit to the hospital where the individual is employed—

“(A) an official letter from each State licensing agency where the individual is licensed to practice nursing that the individual—

“(i) has an unrestricted license to practice nursing; and

“(ii) is in good standing;

“(B) an application for participation in the program;

“(C) proof of acceptance for enrollment, or enrollment in, an accredited school of nursing; and

“(D) a written contract accepting payment of a scholarship in exchange for providing the required service in the hospital where the individual is employed.

“(3) DUTY OF THE HOSPITAL.—A hospital that receives the materials described in paragraph (2) shall—

“(A) make a determination as to whether to enter into the contract under paragraph (2)(D) with the individual; and

“(B) if the hospital elects to enter into the contract with the individual, not later than May 31 of each calendar year, forward the materials it receives under paragraph (2) to the Division.

“(4) DUTIES OF THE DIVISION.—The Division shall—

“(A) review the materials forwarded under paragraph (3); and

“(B) not later than 30 days after receipt of the materials forwarded under paragraph (3), forward the materials to the Secretary with a recommendation as to whether the Secretary should award a scholarship to the applicant.

“(5) DUTIES OF THE SECRETARY.—Not later than 30 days after—

“(A) receipt of the materials forwarded under paragraph (4), the Secretary shall approve or disapprove the application submitted under paragraph (2); and

“(B) the Secretary approves or disapproves an application under subparagraph (A), the Secretary shall notify the applicant in writing of the approval or disapproval.

“(d) CONTRACT.—

“(1) IN GENERAL.—The Secretary shall develop a written contract for participation in the program.

“(2) CONTENT.—The contract described in paragraph (1) shall be an agreement between the Secretary, the individual, and the sponsoring hospital that states that, subject to paragraph (3)—

“(A) the Secretary agrees to—

“(i) provide the individual with a scholarship in each school year, not to exceed 3 years, in which the individual is pursuing the degree; and

“(ii) accept the individual into the program;

“(B) the individual agrees to—

“(i) accept any provision of such a scholarship;

“(ii) maintain enrollment in the accredited school of nursing until the individual completes the degree;

“(iii) while enrolled in the accredited school of nursing, maintain an acceptable level of academic standing; and

“(iv) work as a nurse at the sponsoring hospital upon completion of the degree for a period of 1 month for each month the individual was provided a scholarship under the program; and

“(C) the sponsoring hospital agrees to—

“(i) provide the option for the individual to work as a nurse while the individual is enrolled in the accredited school of nursing for any employment-shifts on which the individual and sponsoring hospital jointly agree (such work will not count towards the requirements of the individual to work at the sponsoring hospital under subparagraph (B)(iv)); and

“(ii) if the sponsoring hospital terminates the employment of the individual while the individual is working at the sponsoring hospital pursuant to subparagraph (B)(iv), submit to the Secretary a written explanation as to why the individual was terminated.

“(3) LIMITATION.—The contract described in paragraph (1) shall contain a provision that any financial obligation of the United States arising out of a contract entered into under this section and any obligation of the individual and the sponsoring hospital which is conditioned thereon, is contingent upon funds being appropriated for scholarships under this section.

“(e) PAYMENT.—

“(1) IN GENERAL.—A scholarship provided to an individual under the program shall consist of payment to, or (in accordance with paragraph (2)) on behalf of, the individual of the amount of the tuition of the individual in such school year.

“(2) CONTRACT.—The Secretary may contract with an accredited school of nursing, in which an individual in the program is enrolled, for the payment to the accredited school of nursing of the amount of tuition described in paragraph (1).

“(f) BREACH OF AGREEMENT.—

“(1) INDIVIDUAL.—Subject to paragraph (3), if an individual participates in the program under this section and agrees to work as a nurse at the sponsoring hospital for a period of time in consideration for receipt of a scholarship to pursue a degree, the individual is liable to the Federal Government for the amount of such scholarship, and for interest on such amount at the maximum legal prevailing rate, if the individual—

“(A) fails to work as a nurse in accordance with subsection (d)(2)(B)(iv);

“(B) fails to maintain an acceptable level of academic standing in the degree program (as indicated by the accredited school of nursing in accordance with requirements established by the Secretary);

“(C) is dismissed from the degree program for disciplinary reasons; or

“(D) voluntarily terminates the degree program.

“(2) SPONSORING HOSPITAL.—If the sponsoring hospital fails to comply with subsection (d)(2)(C)(ii), the sponsoring hospital is liable to the Federal Government for the amount of the scholarship, and for interest on such amount at the maximum legal prevailing rate, of the individual whose employment was terminated.

“(3) WAIVER OR SUSPENSION OF LIABILITY.—The Secretary shall waive liability—

“(A) under paragraph (1) if compliance by the individual with the agreement involved is impossible due to a catastrophic life event of the individual; or

“(B) under paragraph (1)(A) if the sponsoring hospital terminates the employment of the individual.

“(g) REPORT.—

“(1) IN GENERAL.—Not later than 18 months after the first scholarship is awarded under this section, the Division shall submit to Congress a report evaluating the success of the program.

“(2) INFORMATION.—In order to prepare the report under paragraph (1), the Division shall maintain information about the scholarship recipients under this section, including—

“(A) grade reports from the accredited schools of nursing;

“(B) the degree graduation rate; and

“(C) the default rate on the contracts under the program.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2003 through 2005 and such sums as are necessary for each of fiscal years 2006 and 2007.”

AMERICAN HOSPITAL ASSOCIATION,

Washington, DC, October 8, 2001.

Hon. JOSEPH LIEBERMAN,

U.S. Senate, Washington, DC.

DEAR SENATOR LIEBERMAN: The American Hospital Association (AHA) commends your efforts to address the nursing workforce shortage in your bill, The Hospital-Based Nursing Initiative Act of 2001, and is pleased to endorse your legislation. We believe your bill is an important component in the overall strategy of addressing the national nursing shortage.

The AHA represents nearly 5,000 hospitals, health systems, networks and other health care provider members.

Hospitals and health care facilities across America are experiencing a critical shortage of nurses. A recent AHA survey of the workforce shows that there are currently up to 126,000 Registered Nurses (RNs) needed by hospitals today. Over the past five years, enrollments in nursing programs have declined and this trend is expected to continue for the foreseeable future. The average age of a working RN is now over 43 years old, and is expected to continue to increase before peaking at age 45.5 in 2010, when many RNs will

begin to retire. And, the need for nurses will be further compounded by the potential health care demands of the looming 78 million aging "baby boomers" who will begin to retire over the next 10 years.

The current nursing shortage is creating an environment with the potential to jeopardize hospitals' ability to provide timely access to non-emergency, as well as emergency, services. An inadequate number and mix of personnel has caused some facilities to close beds, put emergency rooms on "divert" status, delay elective surgeries, and pare down hospital services.

Hospitals have enlisted many strategies and creative approaches to address the nursing shortage, but this is a complex problem that cannot be solved by hospitals alone. The role of the federal government is critical in the support and funding of an adequate nursing workforce.

"The Hospital-Based Nursing Initiative Act of 2001" provides significant incentives for hospitals to examine and revise management principles to improve the quality of their work environment, and to foster effective RN retention programs. It establishes incentives for hospitals to develop and implement aggressive recruitment programs to attract nurses into the hospital setting. The legislation also creates bridge programs for RNs currently employed in hospitals to move up the career ladder, a significant recruitment and retention tool.

Helping alleviate the critical shortage of nurses is a priority for health care providers. As we debate this and other measures to address the nursing shortage, we hope Congress will recognize the importance of investing in this critical area of need. We applaud your effort and pledge to work with you to address this very important issue.

Sincerely,

RICK POLLACK,
Executive Vice President.

AMERICAN ORGANIZATION
OF NURSE EXECUTIVES,
Washington, DC, September 14, 2001.

Hon. JOSEPH I. LIEBERMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR LIEBERMAN: On behalf of more than 3800 members of the American Organization of Nurse Executives (AONE) representing nurses in executive practice, I would like to express our strong support for the "Hospital-Based Nursing Initiative Act of 2001," legislation that you have authored and plan to introduce to address the critical nurse shortage.

During the past year, AONE has played a pivotal role in addressing the nursing shortage. In October 2000 we published the first comprehensive monograph on this critical issue entitled *Perspectives on the Nursing Shortage: A Blueprint for Action* and have continued to provide both education and advocacy for the nursing profession on a number of different fronts. Your bill will provide important management incentives for hospitals to revise their management of nursing services in order to foster retention and promote recruitment of nurses back into the inpatient delivery system.

The majority of AONE's membership are leaders in the day-to-day management and delivery of direct patient care services, as a result, we understand firsthand the impacts and consequences of the growing nursing shortage both in this country and internationally. Our support of the "Hospital-Based Nursing Initiative Act of 2001" is based on the positive contributions that this legislation will make to nurse-directed efforts to foster retention and promote recruitment of nurses within the inpatient settings of our federal, community, and private hospitals. This legislation will also establish

important bridge programs for registered nurses currently employed in hospitals to move from diploma and Associate Degree levels of education on to a Bachelor of Science degree within three years.

AONE applauds your efforts to address the nursing shortage through this innovative grant and scholarship program. We look forward to working with you to solve this critical health manpower problem.

Sincerely,

PAMELA A. THOMPSON, MSN, RN,
Executive Director.
DIANNE ANDERSON, MS, RN,
President.

AMERICAN NURSES ASSOCIATION,
Washington, DC, September 19, 2001.
Hon. JOSEPH LIEBERMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR LIEBERMAN: I am writing you on behalf of the American Nurses Association (ANA) to express support for the Hospital-Based Nursing Initiative Act. We applaud your hard work on this important issue. ANA is the only full-service association representing the nation's registered nurses (RNs) through its 54 state and territorial member nurse associations. With more than 160,000 members, the ANA represents RNs in all practice settings throughout our nation.

ANA understands that a major contributing factor to the current and emerging nursing shortage is dissatisfaction with the work environment. The Congressional Research Service, General Accounting Office, academic research, and recent ANA surveys of American nurses have all revealed startling levels of frustration with working conditions. This dissatisfaction is leading experienced nurses to leave the bedside, and hindering recruitment efforts.

Fortunately, we know what can be done to address this growing problem. There are proven best practices for nursing that improve patient outcomes, and enhance nurse recruitment and retention. The American Nurses Credentialing Center, an ANA affiliate, recognizes facilities that have met these best practices by granting the "Magnet" designation. Magnet facilities have consistently outperformed their peers in nursing services, even in times of national nursing shortages. In fact, average nurse retention in Magnet facilities is twice as long as that of non-Magnet institutions.

ANA is pleased to endorse your efforts to further the implementation of these best practices through the Hospital-Based Nursing Initiative Act. The quality of work environment and nurse retention grant program, and the continuing education scholarships contained in your bill will greatly aid in the adoption of Magnet criteria. ANA looks forward to working with you and your staff to support this legislation.

Sincerely,

ROSE GONZALEZ, MPS, RN,
Director, Government Affairs.

AMERICAN COLLEGE
OF HEALTHCARE EXECUTIVES,
Chicago, IL, September 18, 2001.

Hon. JOSEPH I. LIEBERMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR LIEBERMAN: Thank you for inviting the American College of Healthcare Executives to review and provide comments on the "Hospital-Based Nursing Initiative Act of 2001."

Upon reviewing the bill, ACHE wishes to endorse it. This legislation offers a comprehensive approach to the crisis facing our nation's healthcare system—a shortage of nurses. The bill attempts to address this important issue by supporting hospitals in a number of ways, including: retaining nurses;

improving the work environment for nursing staff; fostering nursing leadership; providing continuing education programs for nurses; creating recognition and reward programs for nurses who obtain nursing-related certification; and finally, offering educational assistance for nurses to earn their Bachelor of Science Degree in Nursing. We believe this bill encompasses the various elements to make a genuine difference and increase the nursing population.

Thank you for your work in developing this legislation. If there is anything ACHE can do to assist further in this endeavor, please contact Susan M. Oster, CAE, Vice President, Administration at (312) 424-9340.

Sincerely,

THOMAS C. DOLAN, Ph.D., FACHE, CAE,
President and Chief Executive Officer.

PENNSYLVANIA STATE
NURSES ASSOCIATION,
Harrisburg, PA, September 17, 2001.

Hon. JOSEPH LIEBERMAN,
U.S. Congress, Washington, DC.

DEAR SENATOR LIEBERMAN: The Pennsylvania State Nurses Association (PSNA) would like to commend you for the excellent legislation you plan to introduce, which is meant to establish grant and scholarship programs enabling hospitals to retain and further educate their nursing staffs. The bill contains excellent ideas and creative solutions to entice nurses to join or remain a member of a hospital nursing staff.

The focus on nurses having opportunities to participate in decision-making regarding nursing care and maintaining autonomy in the delivery of care are especially important attractants for nurses. Also, the emphasis on having a system for measuring outcomes is imperative for quality patient care.

The organization welcomes the opportunity to work with you in ensuring the passage of the legislation that will greatly benefit the profession of nursing and the quality of care provided to consumers.

Sincerely,

JESSIE F. ROHNER, DrPH, RN,
Interim Executive Administrator.

By Mr. KERRY (for himself, Mr. BREAUX, and Mr. HOLLINGS):

S. 1587. A bill to provide improved port and maritime security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BREAUX. Madam President, along with Mr. KERRY, Chairman of the Oceans, Atmosphere and Fisheries Subcommittee, and Mr. HOLLINGS, Chairman of the Commerce Committee, I rise today in support of the Port Threat and Security Act of 2001. I believe this legislation will help United States' authorities identify and counteract maritime threats from terrorist actions. Importantly, these provisions are designed in part to protect U.S. citizens and property from terrorist attacks before they reach our shores.

As Chairman of the Surface Transportation and Merchant Marine Subcommittee, I held several oversight hearings on transportation security, including one on maritime security three weeks after the terrible attacks of September 11. The maritime security hearing solidified an opinion that I, and others on the Commerce Committee, had long held, the need for increased maritime security was important before September 11, and is absolutely crucial following the terrorist

attacks on New York city and Washington, D.C. The Oceans, Atmosphere and Fisheries Subcommittee, of which I am a member, followed with another hearing that underscored this message. Luckily, because of the foresight of Chairman HOLLINGS, we had a head start on improving maritime security. S. 1214, the Maritime and Port Security Improvement Act, of which I am a proud cosponsor, was introduced in July and was reported out of the Committee in August. S. 1214 establishes a regime that will go a long way towards creating a safe and secure maritime transportation system. However, since much of it was crafted before September 11, it is only natural that additional measures are needed to ensure that our maritime system is as safe as possible.

The bill we are introducing today is based on the testimony that was presented at the hearings before the Commerce Committee in the first two weeks of October. Administration and industry witnesses testified on the need to improve certain areas of S. 1214. This bill intends to fill the gaps identified by our witnesses. We will work with Committee members to ensure these provisions are included in S. 1214 before the Senate sends it to the House.

A constant theme following the September 11 attacks has been the need for better information. Testimony at our hearings confirmed this theme in the maritime realm, we need to increase our information collection capabilities immediately and we need to hold our trading partners to the same standards to which we hold our maritime industry. This legislation requires the identification of nations that have inherently insecure or unsafe vessel registration procedures that can pose threats to our national security. It requires the Secretary of Transportation and Secretary of State to prepare an annual report for the Congress that would list those nations whose vessels the Coast Guard has found don't play by our rules. For example, investigations by the Department of Transportation reveal that it is common practice for vessels to possess false, partial, or fraudulent information concerning cargo manifests, crew identity, or registration of the vessel. This legislation will allow us to get a handle on these practices by identifying the most egregious violators of maritime law. However, the additional information collection required by this bill is just a start; the bill also requires the Administration to recommend to this Committee additional actions that can be taken, either domestically or through international organizations such as the International Maritime Organization, that will increase the transparency of vessel registration procedures.

One of the responses following the highjackings has been to dramatically expand the air marshal program on air carriers, a step which I fully support. However, there is no similar program

for maritime vessels in U.S. waters. The Coast Guard recently established a sea marshal program in the port of San Francisco where armed personnel accompany maritime pilots aboard vessels that cause security concerns. This legislation expands that small project into a national sea marshal program to help prevent terrorists from using maritime vessels as weapons of mass destruction. This legislation directs the Secretary to analyze vulnerability of ports and place sea marshals in ports that handle materials or vessels that make them potential targets of attack.

Expansion of the sea marshal program is strongly supported by our Nation's sea pilots. Many people do not know that almost all maritime vessels that enter U.S. ports are accompanied by a U.S. sea pilot that has intimate knowledge of port and navigational channels, a living nautical chart, so to speak. They are an integral part of our maritime system that help to keep our ports and waterways safe. Pilots are often the first U.S. citizen to board inbound foreign vessels and may be the only U.S. citizens on vessels bound for U.S. ports; thus, they can be a valuable source of information. This legislation requires the Secretary of Transportation to use them more effectively in the war on terror. The Secretary is directed to investigate secure and reliable methods in which sea pilots can aid the Coast Guard and other U.S. authorities in an expanded maritime domain awareness program. The pilots themselves came forward to this Committee suggesting this idea, and I think it is critical that these pilots be provided with methods and equipment that will allow them to safely provide the authorities with information on illegal or terrorist activities while there is still time to prevent a catastrophe. One such example is the Vessel Traffic System, VTS, in the Port of New Orleans and the excellent partnership between the Coast Guard and the Crescent River Pilots Association. Under this partnership, vessels entering port are boarded by pilots carrying transponders. As the vessel transits the Mississippi River, inbound and outbound, the operations center manned by Coast Guard and pilots know the exact position of the vessel, as well as the course, speed and other important information. While already considered a model VTS program, once additional transponders are acquired, this program will continue to serve as a template for other ports.

This legislation also greatly improves the information collected on the safety and security of foreign ports. With regards to foreign seaport assessments, the bill aligns the authority of the Secretary of Transportation with authorities that currently exist for foreign airports. The Secretary of Transportation is required to conduct 25 foreign port vulnerability assessments each year and to ensure that U.S. citizens are informed about the results of these assessments in advance of em-

barking on their travel plans. Testimony before the Commerce Committee emphasized that in order to ensure that our shores are as safe as possible, we must view foreign ports as the outer boundary of our "maritime domain." Much as the first provision in our bill provides for the collection of better information on vessels and countries that do not follow international standards, this provision provides for the collection of information on foreign ports that present potential security threats to the United States. By requiring the Secretary to conduct annual assessments of 25 ports, we not only gain a valuable source of information, but we also put foreign ports on notice that they will be held responsible for actions to secure their ports.

If the assessments reveal that foreign ports do not have or maintain adequate security measures, the President is authorized to prohibit any vessel, U.S. flagged or foreign, from entering the United States from that port. Vessels that transit unsafe and insecure ports should not be allowed unrestricted access to United States ports. I would like to remind everyone that similar security protections were enacted for foreign airports, and I see no reason why the President should not have the same powers with respect to foreign maritime ports.

We must begin to think of a maritime security program that begins well before a ship enters U.S. waters and certainly before they enter U.S. ports. I believe that the measures in this bill along with the port security program of S. 1214 will provide much better tools to guard against maritime threats to our Nation and our citizens.

Mr. KERRY. Madam President, As Chairman of the Oceans, Atmosphere and Fisheries Subcommittee, I rise today to introduce legislation to identify and reduce maritime threats from criminal or terrorist action, particularly those originating from foreign ports and vessels. I am particularly pleased to be joined by the Chairman of the Commerce Committee Mr. HOLLINGS of South Carolina and the Chairman of the Surface Transportation and Merchant Marine Subcommittee Mr. BREAUX of Louisiana.

Senator BREAUX and I recently held oversight hearings before our respective Subcommittees on the Coast Guard and its role in improving maritime security after the terrible attacks of September 11. As Senators HOLLINGS and BREAUX well know, even before September 11 our maritime and port security was in sorry shape. Senator HOLLINGS had already recognized the need to rectify these deficiencies and authored S. 1214, the Maritime and Port Security Improvement Act, which was reported out of the Committee in August, and which I am proud to cosponsor. However, the attacks on New York and Washington made it clear we need to go farther afield to guard against terrorism and other crimes.

Today's legislation is intended to supplement the security provisions of

S. 1214 by improving our ability to detect and prevent maritime terrorism and crime before it has the chance to sail into U.S. ports. We intend to work with Committee members to ensure these provisions are included in the final bill the Senate sends to the House.

At our October 11 oversight hearing, Coast Guard Commandant James Loy and other witnesses gave some thoughtful testimony that is the backbone of this legislation. The hearing also brought to light the challenges presented to the Coast Guard in securing our maritime border from such threats. In addition to introducing this legislation, we also will address glaring Coast Guard resource shortfalls through increased authorizations in our FY 2002 Coast Guard authorization bill, which we will bring to the floor shortly. The Port Threat and Security Act is focused on giving the Coast Guard the tools and the information they need to do the job right.

First, we need to improve our base of information to identify bad actors throughout the maritime realm. This legislation would help us identify those nations whose vessels and vessel registration procedures pose potential threats to our national security. It would require the Secretaries of Transportation and State to prepare an annual report for the Congress that would list those nations whose vessels the Coast Guard has found would pose a risk to our ports, or that have presented our government with false, partial, or fraudulent information concerning cargo manifests, crew identity, or registration of the vessel. In addition the report would identify nations that do not exercise adequate control over their vessel registration and ownership procedures, particularly with respect to security issues. We need hard information like this if we are to force "flag of convenience" nations from providing cover to criminals and terrorists. Mr. President, this is very important as Osama bin Laden has used flags of convenience to hide his ownership in various international shipping interests. In 1998 one of bin Laden's cargo freighters unloaded supplies in Kenya for the suicide bombers who later destroyed the embassies in Kenya and Tanzania. To that end, the bill requires the Administration to report on actions they have taken, or would recommend, to close these loopholes and improve transparency and registration procedures, either through domestic or international action—including action at the International Maritime Organization.

My legislation would also establish a national Sea Marshal program to protect our ports from the potential use of vessels as weapons of terror. A Sea Marshal program was recently established in San Francisco, and is supported strongly by the maritime pilots who, like airline pilots, are on the front lines in bringing vessels into U.S. ports. Sea Marshals would be used in

ports that handle materials that are hazardous or flammable in quantities that make them potential targets of attack. The Coast Guard took a number of steps including using armed Coast Guard personnel to escort a Liquid Natural Gas, LNG, tanker into Boston last evening. This was the first delivery of LNG to Boston since September 11 and a number of people were concerned about the safety of bringing LNG into the port. Prior to September 11 these vessels were escorted by Coast Guard vessels into the port but no armed guards were present on the vessel. I strongly believe that having armed personnel, such as Sea Marshals, on these high interest vessels is very important and will considerably increase security in our nation's ports, including Boston. The ability of terrorists to board a vessel and cause a deliberate release of LNG or gasoline for that matter is very real. Sea Marshals will make it much more difficult for this to happen. The Secretary of Transportation would be responsible for establishing qualifications and standards for Sea Marshals which could be comprised of Federal, State or local law enforcement officials.

This legislation also aims to make use of unarmed pilots as yet another way to combat terrorism in our ports. Nearly every vessel that enters a U.S. port is first boarded by a sea pilot to assist the crew in navigating the harbor. Many times these pilots are the first set of U.S. eyes on vessels that may be headed to our ports bearing criminals or contraband from overseas. They are our eyes and ears, but cannot be expected to be a line of physical defense, that is the job of the Sea Marshals. This legislation would require the Secretary of Transportation to use these "eyes and ears" effectively in the war on terror. The Secretary is directed to investigate discrete ways in which sea pilots can provide information to warn of a possible terrorist attack or other crime. It is important that we explore secure mechanisms to allow these pilots to contribute to our maritime domain awareness, including notifying law enforcement officials of suspicious activity on a vessel. I am convinced there are a number of ways that these pilots could safely provide the authorities with information that can thwart illegal activities without alerting the vessel's captain or crew, or potential terrorists.

This legislation would also require the Secretary of Transportation to conduct 25 foreign port vulnerability assessments each year, and places on foreign ports the same reporting and assessment requirements we use for foreign airports. This is essential to ensure that U.S. citizens are protected from harm in foreign ports, and are informed about any risks before leaving U.S. soil. It is also absolutely necessary to use foreign ports as our first defense against threats to U.S. ports. We cannot expect to protect U.S. borders by erecting a fence only at our

own ports. As one of our witnesses said, "the leading edge of our boundary for homeland defense is, in fact, foreign ports." In many instances, such defenses would be fruitless because of the sheer volume of cargo that passes through our ports daily. We need advance warning long before these vessels appear at our harbor entrances. Critical information that can help the Coast Guard identify these risks can only be collected at foreign ports where cargo and persons are first placed aboard the vessel. Despite this obvious need, we have fallen behind on our assessments of foreign ports. I firmly believe that the only way we can make U.S. ports and harbors safe is by going to the source and ensuring appropriate measures and facilities are in place to guarantee the safety of U.S. citizens visiting foreign ports as well as the safety of cargo bound for the United States.

In order to pay for these inspections this legislation authorizes the Secretary of Transportation to collect a 50 cent user fee on all cruise passengers that depart the United States for a foreign port. Quite frankly, 50 cents is a small price to pay for the peace of mind that comes with knowing that a port vulnerability assessment has been completed prior to a cruise ship with as many as 5,000 U.S. citizens as passengers, docks in a particular country. U.S. citizens should not be disembarking in ports that have not been scrutinized for security violations. One witness pointed out that in many circumstances U.S. cruise ship passengers are passing through ports that could not be assessed because they were deemed too dangerous for military personnel! This is ludicrous. I am sure those passengers had no idea of this potential danger, and we need to make sure that they are both safe and informed.

Lastly, this legislation would allow the President to prohibit any vessel, U.S. flagged or foreign, from entering the United States if the vessel has embarked passengers or cargo from foreign ports that do not have adequate security measures as determined by the Secretary of Transportation. Recently inspectors in Italy checking a container bound for Canada discovered a member of the al-Qaida terrorist organization hiding in a shipping container equipped with a bed and makeshift bathroom. The suspect, an Egyptian in a business suit, had with him a Canadian passport, a laptop computer, two cell phones, airport maps, security passes for airports in three countries and a certificate proclaiming him an airplane mechanic. We cannot allow any country to have such poor security such that terrorists can stow away in a shipping container. I would like to remind everyone that a similar provision exists in the airline industry and I see no reason why the President should not have the power to suspend commerce from a port with inadequate security, just like he can now do with international airports.

I believe that these provisions, when combined with the strong port security program of S. 1214, will ensure that the United States has the tools, the information, and the personnel to guard against waterborne threats to our nation and our citizens.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1587

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Port Threat and Security Act".

SEC. 2. IMPROVED REPORTING ON FOREIGN-FLAG VESSELS ENTERING UNITED STATES PORTS.

Within 6 months after the date of enactment of this Act and every year thereafter, the Secretary of Transportation, in consultation with the Secretary of State, shall provide a report to the Committees on Commerce, Science, and Transportation and Foreign Relations of the Senate, and the Committees on Transportation and Infrastructure and International Relations of the House of Representatives that lists the following information:

(1) A list of all nations whose flag vessels have entered United States ports in the previous year.

(2) Of the nations on that list, a separate list of those nations—

(A) whose registered flag vessels appear as Priority III or higher on the Boarding Priority Matrix maintained by the Coast Guard;

(B) that have presented, or whose flag vessels have presented, false, intentionally incomplete, or fraudulent information to the United States concerning passenger or cargo manifests, crew identity or qualifications, or registration or classification of their flag vessels;

(C) whose vessel registration or classification procedures have been found by the Secretary to be insufficient or do not exercise adequate control over safety and security concerns; or

(D) whose laws or regulations are not sufficient to allow tracking of ownership and registration histories of registered flag vessels.

(3) Actions taken by the United States, whether through domestic action or international negotiation, including agreements at the International Maritime Organization under section 902 of the International Maritime and Port Security Act (46 U.S.C. App. 1801), to improve transparency and security of vessel registration procedures in nations on the list under paragraph (2).

(4) Recommendations for legislative or other actions needed to improve security of United States ports against potential threats posed by flag vessels of nations named in paragraph (2).

SEC. 3. SEA MARSHAL PROGRAM.

(a) ESTABLISHMENT.—Within 6 months after the date of enactment of this Act, the Secretary of Transportation shall establish a program to place sea marshals on vessels entering United States Ports identified in subsection (c).

(b) CONSULTATION.—In establishing this program, the Secretary shall consult with representatives from the port security task force and local port security committees.

(c) SEA MARSHAL PORTS.—The Secretary shall identify United States ports for inclusion in the sea marshal program based on criteria that include the following:

(1) The presence of port facilities that handle materials that are hazardous or flammable in quantities that make them potential targets of attack.

(2) The proximity of these facilities to residential or other densely populated areas.

(3) The proximity of sea lanes or navigational channels to hazardous areas that would pose a danger to citizens in the event of a loss of navigational control by the ship's master.

(4) Any other criterion deemed necessary by the Secretary.

(d) SEA MARSHAL QUALIFICATIONS.—The Secretary shall establish appropriate qualifications or standards for sea marshals. The Secretary may use, or require use of, Federal, State, or local personnel as sea marshals.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out the requirements of this section for each of the fiscal years 2002 through 2006.

(f) REPORT.—Within 3 years after the date of enactment of this Act, the Secretary shall report to the Committee on Commerce, Science, and Transportation of the Senate, and Committee on Transportation and Infrastructure of the House of Representatives on the success of the program in protecting the ports listed under (c), and submit any recommendations.

SEC. 4. SEA PILOT COMMUNICATION AND WARNING SYSTEM.

Within 6 months after the date of enactment of this Act, the Secretary of Transportation shall provide a secure report to the Committee on Commerce, Science, and Transportation of the Senate, and Committee on Transportation and Infrastructure of the House of Representatives on the potential for increasing the capabilities of sea pilots to provide information on maritime domain awareness. The report should specifically address necessary improvements to both reporting procedures and equipment that could allow pilots to be integrated more effectively in an maritime domain awareness program.

SEC. 5. SECURITY STANDARDS AT FOREIGN SEAPORTS.

(a) ASSESSMENT.—

(1) IN GENERAL.—The Secretary shall assess the effectiveness of the security measures maintained at—

(A) each foreign seaport—

(i) served by United States vessels;

(ii) from which foreign vessels serve the United States; or

(iii) that poses a high risk of introducing danger to international sea travel; and

(B) other foreign seaports the Secretary considers appropriate.

(2) INTERNATIONAL COOPERATION AND STANDARDS.—The Secretary of Transportation shall conduct an assessment under paragraph (1) of this subsection—

(A) in consultation with appropriate port authorities of the government of a foreign country concerned and United States vessel operators serving the foreign seaport for which the Secretary is conducting the assessment;

(B) to establish the extent to which a foreign seaport effectively maintains and carries out security measures; and

(C) by using a standard that will result in an analysis of the security measures at the seaport based at least on the standards and recommended practices of the International Maritime Organization in effect on the date of the assessment.

(3) REPORT.—Each report to Congress required under section 2 shall contain a summary of the assessments conducted under this subsection.

(b) INTERVAL.—The Secretary of Transportation shall conduct assessments under subsection (a) of this section of at least 25 foreign seaports annually until all seaports identified in subsection (a)(1) are completed. The first 25 of these assessments shall be conducted within 18 months after the date of enactment of this Act.

(c) CONSULTATION.—In carrying out subsection (a) of this section, the Secretary of Transportation shall consult with the Secretary of State—

(1) on the terrorist threat that exists in each country; and

(2) to establish which foreign seaports are not under the de facto control of the government of the foreign country in which they are located and pose a high risk of introducing danger to international sea travel.

(d) QUALIFIED ASSESSMENT ENTITIES.—In carrying out subsection (a) of this section, the Secretary of Transportation may utilize entities determined by the Secretary of Transportation and the Secretary of State to be qualified to conduct such assessments.

(e) NOTIFYING FOREIGN AUTHORITIES.—If the Secretary of Transportation, after conducting an assessment under subsection (a) of this section, determines that a seaport does not maintain and carry out effective security measures, the Secretary, after advising the Secretary of State, shall notify the appropriate authorities of the government of the foreign country of the decision and recommend the steps necessary to bring the security measures in use at the seaport up to the standard used by the Secretary in making the assessment.

(f) ACTIONS WHEN SEAPORTS NOT MAINTAINING AND CARRYING OUT EFFECTIVE SECURITY MEASURES.—

(1) IN GENERAL.—If the Secretary of Transportation makes a determination under subsection (e) that a seaport does not maintain and carry out effective security measures, the Secretary—

(A) shall publish the identity of the seaport in the Federal Register;

(B) shall require the identity of the seaport to be posted and displayed prominently at all United States seaports at which scheduled passenger carriage is provided regularly;

(C) shall notify the news media of the identity of the seaport;

(D) shall require each United States and foreign vessel providing transportation between the United States and the seaport to provide written notice of the decision, on or with the ticket, to each passenger buying a ticket for transportation between the United States and the seaport; and

(E) may, after consulting with the appropriate port authorities of the foreign country concerned and United States and foreign vessel operators serving the seaport and with the approval of the Secretary of State, withhold, revoke, or prescribe conditions on the operating authority of a United States or foreign vessel that uses that seaport to provide foreign sea transportation.

(2) PRESIDENTIAL ACTION.—If the Secretary makes such a determination under subsection (e) about a seaport, the President may prohibit a United States or foreign vessel from providing transportation between the United States and any other foreign seaport that is served by vessels navigating to or from the seaport with respect to which a decision is made under this section.

(3) WHEN ACTION TO BE TAKEN.—

(A) IN GENERAL.—The provisions of paragraphs (1) and (2) shall apply with respect to a foreign seaport—

(i) 90 days after the government of a foreign country is notified of the Secretary's determination under subsection (e) of this section unless the Secretary of Transportation finds that the government has

brought the security measures at the seaport up to the standard the Secretary used in making an assessment under subsection (a) of this section before the end of that 90-day period; or

(i) on the date on which the Secretary makes that determination if the Secretary of Transportation determines, after consulting with the Secretary of State, that a condition exists that threatens the safety or security of passengers, vessels, or crew traveling to or from the seaport.

(B) TRAVEL ADVISORY NOTIFICATION.—The Secretary of Transportation immediately shall notify the Secretary of State of a determination under subparagraph (A)(ii) of this paragraph so that the Secretary of State may issue a travel advisory required under section 908 of the International Maritime and Port Security Act (46 U.S.C. App. 1804).

(4) CONGRESSIONAL NOTIFICATION.—The Secretary of Transportation promptly shall submit to Congress a report (and classified annex if necessary) on action taken under paragraph (1) or (2) of this subsection, including information on attempts made to obtain the cooperation of the government of a foreign country in meeting the standard the Secretary used in assessing the seaport under subsection (a) of this section.

(5) CANCELLATION OF PUBLICATION REQUIREMENTS.—If the Secretary of Transportation, in consultation with the Secretary of State, determines that effective security measures are maintained and carried out at the seaport against which the Secretary took action under paragraph (1), then the Secretary shall—

(A) terminate action under paragraph (1) against that seaport; and

(B) notify the Congress of the Secretary's determination.

(g) SUSPENSIONS.—The Secretary of Transportation, with the approval of the Secretary of State and without notice or a hearing, shall suspend the right of any United States vessel to provide foreign sea transportation, and the right of a person to operate vessels in foreign sea commerce, to or from a foreign seaport if the Secretary of Transportation determines that—

(1) a condition exists that threatens the safety or security of passengers, vessels, or crew traveling to or from that seaport; and

(2) the public interest requires an immediate suspension of transportation between the United States and that seaport.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation \$2,000,000 for fiscal year 2002 and each fiscal year thereafter to carry out this section.

SEC. 6. FOREIGN PORT ASSESSMENT FEES.

(a) IN GENERAL.—The Secretary of Transportation shall collect a user fee from cruise vessel lines upon the arrival of a cruise vessel at a United States port from a foreign port. Amounts collected under this section shall be treated as offsetting collections to offset annual appropriations for the costs of providing foreign port vulnerability assessments under section 5.

(b) AMOUNT OF FEE.—Cruise vessel lines shall remit \$0.50 for each passenger embarkment on a cruise that includes at least one United States port and one foreign port.

(c) USE OF FEES.—A fee collected under this section shall be used solely for the costs associated with providing foreign port vulnerability assessments and may be used only to the extent provided in advance in an appropriation law.

(d) EFFECTIVE DATE.—The requirements of this section apply with respect to travel beginning more than 179 days after the date of enactment of this Act.

By Mr. CRAIG (for himself, Mr. DORGAN, Mr. GRASSLEY, Mr.

BAUCUS, Mr. CRAPO, Mr. BAYH, Mr. BENNETT, Mr. CARPER, Ms. COLLINS, Mr. ENSIGN, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. INHOFE, Mr. KYL, Mrs. LINCOLN, Mr. MURKOWSKI, Mrs. MURRAY, and Mr. SMITH of Oregon):

S. 1588. A bill to provide a 1-year extension of the date for compliance by certain covered entities with the administrative simplification standards for electronic transactions and code sets issued in accordance with the Health Insurance Portability and Accountability Act of 1996; to the Committee on Finance.

Mr. CRAIG. Mr. President, I am happy to join Senator DORGAN in reintroducing legislation regarding the administrative simplification provision of the Health Insurance Portability and Accountability Act. We originally introduced legislation five months ago and have worked since then with members from both the Finance and HELP committees to negotiate a compromise. The bill we are introducing today is the product of those discussions. It provides for one additional much-needed year for providers, State health programs, health plans and others to implement the transactions and code set provision of administrative simplification. Importantly, this new version also includes language to clearly differentiate between this provision and the privacy provision of HIPAA. It was our intention all along that the medical privacy regulations not be affected by our legislation, and we believe this bill accomplishes that goal. My colleague and I have the benefit of being joined on this bill by many of the cosponsors of the original bill, and we are happy to have their support.

Mr. DORGAN. Mr. President, Like Senator CRAIG, I appreciate the cooperation of our colleagues in helping us to work through this issue. We have arrived at a solution that is agreeable to the majority of parties involved, while at the same time reaching our goal of providing relief to small providers and plans and public health programs that are struggling to prepare their systems for this cost. Senator CRAIG and I would have preferred that this bill go further in providing more time and coordination for affected entities. On the other hand, we acknowledge that others would prefer no action in this area. Since we are just one year from the scheduled compliance date, however, we recognize that all those affected need some certainty as they move forward with complying with the transactions and code sets regulation. Given that this bill does provide needed relief for our states and given the time constraints we are facing, we believe this compromise is appropriate and do not feel an additional extension can be acquired.

By Mr. ROCKEFELLER (for himself, Mr. WELLSTONE, and Mr. BAUCUS):

S. 1589. A bill to amend title XVIII of the Social Security Act to expand

medicare benefits to prevent, delay, and minimize the progression of chronic conditions, establish payment incentives for furnishing quality services to people with serious and disabling chronic conditions, and develop national policies on effective chronic condition care, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Madam President, I join several colleagues today to introduce the Medicare Chronic Care Improvement Act of 2001. Although we in Congress are focused on helping the Nation recover from the horrific attacks of September 11, we must also stand tall against the terrorists who wish to sabotage our domestic policy agenda and continue to work on the issues that affect the everyday health and well being of American citizens. With this conviction, I believe it is time to address the leading health care problem of the 21st century, chronic conditions.

Chronic conditions account for an astounding 90 percent of morbidity, 80 percent of deaths, and over 75 percent of direct medical expenditures in the United States. Nearly 125 million Americans have chronic conditions, and this number is expected to increase to 157 million, approximately half the population, by 2020.

Chronic conditions encompass an array of health conditions that are persistent, recurring, and cannot be cured. They include severely impairing conditions like Alzheimer's disease, congestive heart failure, chronic obstructive pulmonary disease, diabetes, depression, hypertension, and arthritis. Certainly in West Virginia, many of our workers, especially coal miners and steelworkers, suffer from chronic conditions.

Treating serious and disabling chronic conditions is the highest cost and fastest growing segment of health care. Direct medical costs for chronic conditions reached \$510 billion in 2000 and are projected to reach \$1.07 trillion by 2020.

An estimated 80 percent of Medicare beneficiaries suffer from at least one chronic condition and those beneficiaries account for an astounding 95 percent of Medicare spending. But Medicare does not provide many of the health care services that people with chronic conditions need. For example, current Medicare data show that, on average, people with chronic conditions see eight different physicians. Medicare does not compensate these physicians for communicating with one another, nor are they paid for care coordination, monitoring medications, early detection, or for educating or counseling patients and caregivers. As a result, few of these services, which are critical to people with chronic conditions, are provided.

To meet the needs of these individuals, our health care system must embrace a person-centered, system-oriented approach to care. Payers and providers who serve the same person

must be empowered to work together to help people with chronic conditions prevent, delay, or minimize disease and disability progression and maximize their health and well being.

Over 10 years ago, I served as Chairman of the Pepper Commission. Our final report recognized that people with chronic conditions have special needs requiring multidisciplinary health care or social services to complement or augment their health care. The Commission further recognized that medical care cannot be fully accessible or effective for this segment of the population unless it is accompanied by education, outreach, and systems to coordinate a broad range of services. The Commission identified these needed changes over ten years ago. And, as I stand before you today, not a single one of these recommendations has been made.

I am here to propose a long overdue and much needed solution. The Medicare Chronic Care Improvement Act of 2001. This bill establishes a comprehensive plan to update and streamline the Medicare healthcare delivery system to better meet the needs of people with chronic health conditions.

First, the Medicare Chronic Care Improvement Act of 2001 helps prevent, delay, and minimize the progression of chronic conditions by authorizing the Secretary of Health and Human Services to expand coverage of preventive health benefits. The bill permits providers to waive deductibles and co-payments for preventive and wellness services and streamlines the process of approving preventive benefits.

Second, this bill provides a person-centered, system-oriented approach to care for this extremely vulnerable segment of our population by expanding Medicare coverage to include assessment, care-coordination, self-management services, and patient and family caregiver education and counseling.

Third, this legislation improves Medicare fee-for-service and managed care financing for plans that serve beneficiaries with multiple, complex chronic conditions. The Secretary is directed to develop a plan to refine payment incentives to ensure appropriate payment for serving these high-cost individuals.

And finally, the Medicare Chronic Care Improvement Act of 2001 requires the Secretary of HHS to report to Congress on chronic condition trends and costs as a foundation for establishing national chronic care policies.

For more detail, I am also entering a section-by-section bill summary into the CONGRESSIONAL RECORD following this statement.

This legislation has been endorsed by a variety of health organizations representing consumers and providers including:

Chronic Care Coalition, comprising the American Association of Homes and Services for the Aging, American Geriatrics Society, Catholic Health Association of the United States,

Elderplan Social HMO, National Chronic Care Consortium, National Council on the Aging, and National Family Caregivers Association;

National Depressive and Manic-Depressive Association;

Association for Ambulatory Behavioral Healthcare; American Lung Association; American Academy of Neurology; American Neurological Association; and United Seniors Health Cooperative.

The Medicare Chronic Care Improvement Act of 2001 provides a comprehensive solution to improving the quality of life and health for millions of Americans who are struggling with serious and disabling chronic conditions. It improves benefits for people with chronic conditions, it empowers providers to better care for these people, and it provides us with the research we need to better address chronic conditions in the future.

And last, but not least, this legislation has the potential to save the Medicare program money, by better managing and treating chronic conditions before costly complications result. That is good for seniors and good for Medicare, a win-win situation. It is time to step up to the plate and fulfill our obligation to our Nation's most vulnerable citizens. This bill should stimulate the debate, and when Congress returns to business not related to the September 11th attacks, I intend to advance this legislation in the Finance Committee.

I ask unanimous consent that the text of the bill and the summary be printed in the RECORD.

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

S. 1589

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Medicare Chronic Care Improvement Act of 2001”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.

TITLE I—EXPANSION OF BENEFITS TO PREVENT, DELAY, AND MINIMIZE THE PROGRESSION OF CHRONIC CONDITIONS.

Subtitle A—Improving Access to Preventive Services

- Sec. 101. Definitions.
- Sec. 102. Elimination of deductibles and co-insurance for existing preventive health benefits.
- Sec. 103. Institute of Medicine medicare prevention benefit study and report.
- Sec. 104. Authority to administratively provide for coverage of additional preventive benefits.
- Sec. 105. Fast-track consideration of prevention benefit legislation.

Subtitle B—Expansion of Access to Health Promotion Services

- Sec. 111. Disease self-management demonstration projects.
- Sec. 112. Medicare health education and risk appraisal program.

Subtitle C—Medicare Coverage for Care Coordination and Assessment Services
 Sec. 121. Care coordination and assessment services.

TITLE II—PAYMENT INCENTIVES FOR QUALITY CARE FOR INDIVIDUALS WITH SERIOUS AND DISABLING CHRONIC CONDITIONS

- Sec. 201. Adjustments to fee-for-service payment systems.
- Sec. 202. Medicare+Choice.

TITLE III—DEVELOPMENT OF NATIONAL POLICIES ON EFFECTIVE CHRONIC CONDITION CARE

- Sec. 301. Study and report on effective chronic condition care.
- Sec. 302. Institute of Medicine medicare chronic condition care improvement study and report.

SEC. 2. DEFINITIONS.

In this Act:

(1) **SECRETARY.**—Unless otherwise specifically provided, the term “Secretary” means the Secretary of Health and Human Services.

(2) **SERIOUS AND DISABLING CHRONIC CONDITION.**—The term “serious and disabling chronic condition” means, with respect to an individual, that the individual has at least one physical or mental condition and a licensed health care practitioner has certified within the preceding 12-month period that—

(A) the individual has a level of disability such that the individual is unable to perform (without substantial assistance from another individual) for a period of at least 90 days due to a loss of functional capacity—

- (i) at least 2 activities of daily living; or
- (ii) such number of instrumental activities of daily living that is equivalent (as determined by the Secretary) to the level of disability described in clause (i);

(B) the individual has a level of disability equivalent (as determined by the Secretary) to the level of disability described in subparagraph (A); or

(C) the individual requires substantial supervision to protect the individual from threats to health and safety due to severe cognitive impairment.

(3) **ACTIVITIES OF DAILY LIVING.**—The term “activities of daily living” means each of the following:

- (A) Eating.
- (B) Toileting.
- (C) Transferring.
- (D) Bathing.
- (E) Dressing.
- (F) Continence.
- (4) **INSTRUMENTAL ACTIVITIES OF DAILY LIVING.**—The term “instrumental activities of daily living” means each of the following:
 - (A) Medication management.
 - (B) Meal preparation.
 - (C) Shopping.
 - (D) Housekeeping.
 - (E) Laundry.
 - (F) Money management.
 - (G) Telephone use.
 - (H) Transportation use.

TITLE I—EXPANSION OF BENEFITS TO PREVENT, DELAY, AND MINIMIZE THE PROGRESSION OF CHRONIC CONDITIONS.

Subtitle A—Improving Access to Preventive Services

SEC. 101. DEFINITIONS.

In this title:

(1) **COST-EFFECTIVE BENEFIT.**—The term “cost-effective benefit” means a benefit or technique that has—

- (A) been subject to peer review;
- (B) been described in scientific journals; and
- (C) demonstrated value as measured by unit costs relative to health outcomes achieved.

(2) COST-SAVING BENEFIT.—The term “cost-saving benefit” means a benefit or technique that has—

- (A) been subject to peer review;
- (B) been described in scientific journals; and
- (C) caused a net reduction in health care costs for medicare beneficiaries.

(3) MEDICALLY EFFECTIVE.—The term “medically effective” means, with respect to a benefit or technique, that the benefit or technique has been—

- (A) subject to peer review;
- (B) described in scientific journals; and
- (C) determined to achieve an intended goal under normal programmatic conditions.

(4) MEDICALLY EFFICACIOUS.—The term “medically efficacious” means, with respect to a benefit or technique, that the benefit or technique has been—

- (A) subject to peer review;
- (B) described in scientific journals; and
- (C) determined to achieve an intended goal under controlled conditions.

SEC. 102. ELIMINATION OF DEDUCTIBLES AND COINSURANCE FOR EXISTING PREVENTIVE HEALTH BENEFITS.

(a) IN GENERAL.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended by inserting after subsection (o) the following new subsection:

“(p) DEDUCTIBLES AND COINSURANCE WAIVED FOR PREVENTIVE HEALTH ITEMS AND SERVICES.—The Secretary shall not require the payment of any deductible or coinsurance under subsection (a) or (b), respectively, of any individual enrolled for coverage under this part for any of the following preventive health items and services:

“(1) Blood-testing strips, lancets, and blood glucose monitors for individuals with diabetes described in section 1861(n).

“(2) Diabetes outpatient self-management training services (as defined in section 1861(qq)(1)).

“(3) Pneumococcal, influenza, and hepatitis B vaccines and administration described in section 1861(s)(10).

“(4) Screening mammography (as defined in section 1861(jj)).

“(5) Screening pap smear and screening pelvic exam (as defined in paragraphs (1) and (2) of section 1861(nn), respectively).

“(6) Bone mass measurement (as defined in section 1861(rr)(1)).

“(7) Prostate cancer screening test (as defined in section 1861(oo)(1)).

“(8) Colorectal cancer screening test (as defined in section 1861(pp)(1)).

“(9) Screening for glaucoma (as defined in section 1861(uu)).

“(10) Medical nutrition therapy services (as defined in section 1861(vv)(1)).”

(b) WAIVER OF COINSURANCE.—

(1) IN GENERAL.—Section 1833(a)(1)(B) of the Social Security Act (42 U.S.C. 1395l(a)(1)(B)) is amended to read as follows: “(B) with respect to preventive health items and services described in subsection (p), the amounts paid shall be 100 percent of the fee schedule or other basis of payment under this title for the particular item or service.”

(2) ELIMINATION OF COINSURANCE IN OUTPATIENT HOSPITAL SETTINGS.—The third sentence of section 1866(a)(2)(A) of the Social Security Act (42 U.S.C. 1395cc(a)(2)(A)) is amended by inserting after “1861(s)(10)(A)” the following: “, preventive health items and services described in section 1833(p).”

(c) WAIVER OF APPLICATION OF DEDUCTIBLE.—Section 1833(b)(1) of the Social Security Act (42 U.S.C. 1395l(b)(1)) is amended to read as follows: “(1) such deductible shall not apply with respect to preventive health items and services described in subsection (p).”

(d) ADDING “LANCET” TO DEFINITION OF DME.—Section 1861(n) of the Social Security

Act (42 U.S.C. 1395x(n)) is amended by striking “blood-testing strips and blood glucose monitors” and inserting “blood-testing strips, lancets, and blood glucose monitors”.

(e) CONFORMING AMENDMENTS.—

(1) ELIMINATION OF COINSURANCE FOR CLINICAL DIAGNOSTIC LABORATORY TESTS.—Paragraphs (1)(D)(i) and (2)(D)(i) of section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)), as amended by section 201(b)(1) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–481), as enacted into law by section 1(a)(6) of Public Law 106–554, are each amended by inserting “or which are described in subsection (p)” after “assignment-related basis”.

(2) ELIMINATION OF COINSURANCE FOR CERTAIN DME.—Section 1834(a)(1)(A) of the Social Security Act (42 U.S.C. 1395m(a)(1)(A)) is amended by inserting “(or 100 percent, in the case of such an item described in section 1833(p))” after “80 percent”.

(3) ELIMINATION OF DEDUCTIBLES AND COINSURANCE FOR COLORECTAL CANCER SCREENING TESTS.—Section 1834(d) of the Social Security Act (42 U.S.C. 1395m(d)) is amended—

(A) in paragraph (2)(C)—

(i) by striking “(C) FACILITY PAYMENT LIMIT.—” and all that follows through “Notwithstanding subsections” and inserting the following:

“(C) FACILITY PAYMENT LIMIT.—Notwithstanding subsections”;

(ii) by striking “(I) in accordance” and inserting the following:

“(i) in accordance”;

(iii) by striking “(II) are performed” and all that follows through “payment under” and inserting the following:

“(ii) are performed in an ambulatory surgical center or hospital outpatient department, payment under”; and

(iv) by striking clause (ii); and

(B) in paragraph (3)(C)—

(i) by striking “(C) FACILITY PAYMENT LIMIT.—” and all that follows through “Notwithstanding subsections” and inserting the following:

“(C) FACILITY PAYMENT LIMIT.—Notwithstanding subsections”;

(ii) by striking clause (ii).

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after the day that is 1 year after the date of enactment of this Act.

SEC. 103. INSTITUTE OF MEDICINE MEDICARE PREVENTION BENEFIT STUDY AND REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall contract with the Institute of Medicine of the National Academy of Sciences to—

(A) conduct a comprehensive study of current literature and best practices in the field of health promotion and disease prevention among medicare beneficiaries, including the issues described in paragraph (2); and

(B) submit the report described in subsection (b).

(2) ISSUES STUDIED.—The study required under paragraph (1) shall include an assessment of—

(A) whether each health promotion and disease prevention benefit covered under the medicare program is—

(i) medically effective (as defined in section 101(3)); or

(ii) a cost-effective benefit (as defined in section 101(1)) or a cost-saving benefit (as defined in section 101(2));

(B) utilization by medicare beneficiaries of such benefits (including any barriers to or incentives to increase utilization);

(C) quality of life issues associated with such benefits; and

(D) whether health promotion and disease prevention benefits that are not covered under the medicare program that would affect all medicare beneficiaries are—

(i) likely to be medically effective (as defined in section 101(3)); or

(ii) likely to be a cost-effective benefit (as defined in section 101(1)) or a cost-saving benefit (as defined in section 101(2));

(b) REPORTS.—

(1) THREE-YEAR REPORT.—On the date that is 3 years after the date of enactment of this Act, and each successive 3-year anniversary thereafter, the Institute of Medicine of the National Academy of Sciences shall submit to the President a report that contains—

(A) a detailed statement of the findings and conclusions of the study conducted under subsection (a); and

(B) the recommendations for legislation described in paragraph (3).

(2) INTERIM REPORT BASED ON NEW GUIDELINES.—If the United States Preventive Services Task Force or the Task Force on Community Preventive Services establishes new guidelines regarding preventive health benefits for medicare beneficiaries more than 1 year prior to the date that a report described in paragraph (1) is due to be submitted to the President, then not later than 6 months after the date such new guidelines are established, the Institute of Medicine of the National Academy of Sciences shall submit to the President a report that contains a detailed description of such new guidelines. Such report may also contain recommendations for legislation described in paragraph (3).

(3) RECOMMENDATIONS FOR LEGISLATION.—The Institute of Medicine of the National Academy of Sciences, in consultation with the United States Preventive Services Task Force and the Task Force on Community Preventive Services, shall develop recommendations in legislative form that—

(A) prioritize the preventive health benefits under the medicare program; and

(B) modify such benefits, including adding new benefits under such program, based on the study conducted under subsection (a).

(c) TRANSMISSION TO CONGRESS.—

(1) IN GENERAL.—Subject to paragraph (2), on the day that is 6 months after the date on which the report described in paragraph (1) of subsection (b) (or paragraph (2) of such subsection if the report contains recommendations in legislative form described in subsection (b)(3)) is submitted to the President, the President shall transmit the report and recommendations to Congress.

(2) REGULATORY ACTION BY THE SECRETARY OF HEALTH AND HUMAN SERVICES.—If the Secretary of Health and Human Services has exercised the authority under section 104(a) to adopt by regulation one or more of the recommendations under subsection (b)(3), the President shall only submit to Congress those recommendations under subsection (b)(3) that have not been adopted by the Secretary.

(3) DELIVERY.—Copies of the report and recommendations in legislative form required to be transmitted to Congress under paragraph (1) shall be delivered—

(A) to both Houses of Congress on the same day;

(B) to the Clerk of the House of Representatives if the House is not in session; and

(C) to the Secretary of the Senate if the Senate is not in session.

SEC. 104. AUTHORITY TO ADMINISTRATIVELY PROVIDE FOR COVERAGE OF ADDITIONAL PREVENTIVE BENEFITS.

(a) IN GENERAL.—The Secretary of Health and Human Services may by regulation adopt any or all of the legislative recommendations developed by the Institute of Medicine of the National Academy of Sciences, in consultation with the United

States Preventive Services Task Force and the Task Force on Community Preventive Services in a report under section 103(b)(3) (relating to prioritizing and modifying preventive health benefits under the Medicare program and the addition of new preventive benefits), consistent with subsection (b).

(b) **ELIMINATION OF COST-SHARING.**—With respect to items and services furnished under the Medicare program that the Secretary has incorporated by regulation under subsection (a), the provisions of section 1833(p) of the Social Security Act (relating to elimination of cost-sharing for preventive benefits), as added by section 102(a), shall apply to those items and services in the same manner as such section applies to the items and services described in paragraphs (1) through (10) of such section.

(c) **DEADLINE.**—The Secretary must publish a notice of rulemaking with respect to the adoption by regulation under subsection (a) of any such recommendation within 6 months of the date on which a report described in section 103(b) is submitted to the President.

SEC. 105. FAST-TRACK CONSIDERATION OF PREVENTION BENEFIT LEGISLATION.

(a) **RULES OF HOUSE OF REPRESENTATIVES AND SENATE.**—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and is deemed a part of the rules of each House of Congress, but—

(A) is applicable only with respect to the procedure to be followed in that House of Congress in the case of an implementing bill (as defined in subsection (d)); and

(B) supersedes other rules only to the extent that such rules are inconsistent with this section; and

(2) with full recognition of the constitutional right of either House of Congress to change the rules (so far as relating to the procedure of that House of Congress) at any time, in the same manner and to the same extent as in the case of any other rule of that House of Congress.

(b) **INTRODUCTION AND REFERRAL.**—

(1) **INTRODUCTION.**—

(A) **IN GENERAL.**—Subject to paragraph (2), on the day on which the President transmits the report pursuant to section 103(c) to the House of Representatives and the Senate, the recommendations in legislative form transmitted by the President with respect to such report shall be introduced as a bill (by request) in the following manner:

(i) **HOUSE OF REPRESENTATIVES.**—In the House of Representatives, by the Majority Leader, for himself and the Minority Leader, or by Members of the House of Representatives designated by the Majority Leader and Minority Leader.

(ii) **SENATE.**—In the Senate, by the Majority Leader, for himself and the Minority Leader, or by Members of the Senate designated by the Majority Leader and Minority Leader.

(B) **SPECIAL RULE.**—If either House of Congress is not in session on the day on which such recommendations in legislative form are transmitted, the recommendations in legislative form shall be introduced as a bill in that House of Congress, as provided in subparagraph (A), on the first day thereafter on which that House of Congress is in session.

(2) **REFERRAL.**—Such bills shall be referred by the presiding officers of the respective Houses to the appropriate committee, or, in the case of a bill containing provisions within the jurisdiction of 2 or more committees, jointly to such committees for consideration of those provisions within their respective jurisdictions.

(c) **CONSIDERATION.**—After the recommendations in legislative form have been

introduced as a bill and referred under subsection (b), such implementing bill shall be considered in the same manner as an implementing bill is considered under subsections (d), (e), (f), and (g) of section 151 of the Trade Act of 1974 (19 U.S.C. 2191).

(d) **IMPLEMENTING BILL DEFINED.**—In this section, the term “implementing bill” means only the recommendations in legislative form of the Institute of Medicine of the National Academy of Sciences described in section 103(b)(3), transmitted by the President to the House of Representatives and the Senate under subsection 103(c), and introduced and referred as provided in subsection (b) as a bill of either House of Congress.

(e) **COUNTING OF DAYS.**—For purposes of this section, any period of days referred to in section 151 of the Trade Act of 1974 shall be computed by excluding—

(1) the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of Congress sine die; and

(2) any Saturday and Sunday, not excluded under paragraph (1), when either House is not in session.

Subtitle B—Expansion of Access to Health Promotion Services

SEC. 111. DISEASE SELF-MANAGEMENT DEMONSTRATION PROJECTS.

(a) **DEMONSTRATION PROJECTS.**—

(1) **IN GENERAL.**—The Secretary shall conduct demonstration projects for the purpose of promoting disease self-management for conditions identified, and appropriately prioritized, by the Secretary for target individuals (as defined in paragraph (2)).

(2) **TARGET INDIVIDUAL DEFINED.**—In this section, the term “target individual” means an individual who—

(A) is at risk for, or has, 1 or more of the conditions identified by the Secretary as being appropriate for disease self-management; and

(B) is entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.), or enrolled under part B of such title (42 U.S.C. 1395j et seq.) or is enrolled under the Medicare+Choice program under part C of such title (42 U.S.C. 1395w–21 et seq.).

(b) **NUMBER; PROJECT AREAS; DURATION.**—

(1) **NUMBER.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement a series of demonstration projects to carry out the purpose described in subsection (a)(1).

(2) **PROJECT AREAS.**—The Secretary shall implement the demonstration projects described in paragraph (1) in urban, suburban, and rural areas.

(3) **DURATION.**—The demonstration projects under this section shall be conducted during the 3-year period beginning on the date on which the initial demonstration project is implemented.

(c) **REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than 18 months after the conclusion of the demonstration projects under this section, the Secretary shall submit a report to Congress on such projects.

(2) **CONTENTS OF REPORT.**—The report required under paragraph (1) shall include the following:

(A) A description of the demonstration projects.

(B) An evaluation of—

(i) whether each benefit provided under the demonstration projects is—

(I) medically effective;

(II) medically efficacious;

(III) cost-effective; or

(IV) cost-saving;

(ii) the level of the disease self-management attained by target individuals under the demonstration projects; and

(iii) the satisfaction of target individuals under the demonstration projects.

(C) Recommendations of the Secretary regarding whether to conduct the demonstration projects on a permanent basis.

(D) Such recommendations for legislation and administrative action as the Secretary determines to be appropriate.

(E) Any other information regarding the demonstration projects that the Secretary determines to be appropriate.

(d) **FUNDING.**—The Secretary shall provide for the transfer from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) an amount not to exceed \$30,000,000 for the costs of carrying out this section.

SEC. 112. MEDICARE HEALTH EDUCATION AND RISK APPRAISAL PROGRAM.

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

“MEDICARE HEALTH EDUCATION AND RISK APPRAISAL PROGRAM

“SEC. 1897. (a) **ESTABLISHMENT.**—Not later than 18 months after the date of the conclusion of the demonstration projects conducted under subsection (b)(1), the Secretary shall establish a comprehensive and systematic model for delivering health promotion and disease prevention services that—

“(1) through self-assessment identifies—

“(A) behavioral risk factors, such as tobacco use, physical inactivity, alcohol use, depression, lack of proper nutrition, and risk of falling, among target individuals;

“(B) needed Medicare clinical preventive and screening health benefits among target individuals; and

“(C) functional and self-management information the Secretary determines to be appropriate;

“(2) provides ongoing followup to reduce risk factors and promote the appropriate use of preventive and screening health benefits;

“(3) improves clinical outcomes, satisfaction, quality of life, and appropriate use by target individuals of items and services covered under the Medicare program; and

“(4) provides target individuals with information regarding the adoption of healthy behaviors.

“(b) **DEMONSTRATION PROJECTS.**—

“(1) **ESTABLISHMENT.**—Not later than 1 year after the date of enactment of this section, the Secretary, in consultation with the Director of the Centers for Disease Control and Prevention, and the Director of the Agency for Healthcare Research and Quality, shall conduct demonstration projects for the purpose of developing a comprehensive and systematic model for delivering health promotion and disease prevention services described in subsection (a).

“(2) **SELF-ASSESSMENT AND PROVISION OF INFORMATION.**—The Secretary shall conduct the demonstration projects established under paragraph (1) in the following manner:

“(A) **SELF-ASSESSMENT.**—

“(i) **IN GENERAL.**—The Secretary shall test different—

“(I) methods of making self-assessments available to each target individual;

“(II) methods of encouraging each target individual to participate in the self-assessment; and

“(III) methods for processing responses to the self-assessment.

“(ii) **CONTENTS.**—A self-assessment made available under clause (i) shall include—

“(I) questions regarding behavioral risk factors;

“(II) questions regarding needed preventive screening health services;

“(III) questions regarding the target individual’s preferences for receiving follow-up information; and

“(IV) other information that the Secretary determines appropriate.

“(B) PROVISION OF INFORMATION.—After each target individual completes the self-assessment, the Secretary shall ensure that the target individual is provided with such information as the Secretary determines appropriate, which may include—

“(i) information regarding the results of the self-assessment;

“(ii) recommendations regarding any appropriate behavior modification based on the self-assessment;

“(iii) information regarding how to access behavior modification assistance that promotes healthy behavior, including information on nurse hotlines, counseling services, provider services, and case-management services;

“(iv) information, feedback, support, and recommendations regarding any need for clinical preventive and screening health services or treatment; and

“(v) referrals to available community resources in order to assist the target individual in reducing health risks.

“(3) PROJECT AREAS AND DURATION.—

“(A) PROJECT AREAS.—The Secretary shall implement the demonstration projects in geographic areas that include urban, suburban, and rural areas.

“(B) DURATION.—The Secretary shall conduct the demonstration projects during the 3-year period beginning on the date on which the first demonstration project is implemented.

“(c) REPORT TO CONGRESS.—

“(1) IN GENERAL.—Not later than 1 year after the date on which the demonstration projects conclude, the Secretary shall submit to Congress a report on such projects.

“(2) CONTENTS OF REPORT.—The report submitted under paragraph (1) shall—

“(A) describe the demonstration projects conducted under this section;

“(B) identify the demonstration project that is the most effective; and

“(C) contain such other information regarding the demonstration projects as the Secretary determines appropriate.

“(3) MEASUREMENT OF EFFECTIVENESS.—For purposes of paragraph (2)(B), in identifying the demonstration project that is the most effective, the Secretary shall consider—

“(A) how successful the project was at—

“(i) reaching target individuals and engaging them in an assessment of the risk factors of such individuals;

“(ii) educating target individuals on healthy behaviors and getting such individuals to modify their behaviors in order to diminish the risk of chronic disease; and

“(iii) ensuring that target individuals were provided with necessary information;

“(B) the cost-effectiveness of the demonstration project; and

“(C) the degree of beneficiary satisfaction under the demonstration projects.

“(d) WAIVER AUTHORITY.—The Secretary may waive such requirements under this title as the Secretary determines necessary to carry out the demonstration projects under this section.

“(e) FUNDING.—There are authorized to be appropriated \$25,000,000 to the Secretary for carrying out the demonstration projects under this section.

“(f) DEFINITION OF TARGET INDIVIDUAL.—The term ‘target individual’ means each individual who is—

“(1) entitled to benefits under part A or enrolled under part B, including an individual enrolled under the Medicare+Choice program under part C; or

“(2) between the ages of 50 and 64 and who is not described in paragraph (1).”

Subtitle C—Medicare Coverage for Care Coordination and Assessment Services

SEC. 121. CARE COORDINATION AND ASSESSMENT SERVICES.

(a) SERVICES AUTHORIZED.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), as amended by section 112, is further amended by adding at the end the following new section:

“CARE COORDINATION AND ASSESSMENT SERVICES

“SEC. 1898. (a) PURPOSE.—The purpose of this section is to provide assistance to a beneficiary with a serious and disabling chronic condition (as defined in subsection (f)(1)) to obtain the appropriate level and mix of follow-up care.

“(b) ELECTION OF CARE COORDINATION AND ASSESSMENT SERVICES.—

“(1) IN GENERAL.—On or after January 1, 2003, a beneficiary with a serious and disabling chronic condition may elect to receive care coordination services in accordance with the provisions of this section under which, in appropriate circumstances, the eligible beneficiary has health care services covered under this title managed and coordinated by a care coordinator who is qualified under subsection (e) to furnish care coordination services under this section.

“(2) REVOCATION OF ELECTION.—An eligible beneficiary who has made an election under paragraph (1) may revoke that election at any time.

“(c) OUTREACH.—The Secretary shall provide for the wide dissemination of information to beneficiaries and providers of services, physicians, practitioners, and suppliers with respect to the availability of and requirements for care coordination services under this section.

“(d) CARE COORDINATION AND ASSESSMENT SERVICES DESCRIBED.—Care coordination services under this section shall include the following:

“(1) BASIC CARE COORDINATION AND ASSESSMENT SERVICES.—

“(A) IN GENERAL.—Except as otherwise provided in this section, eligible beneficiaries who have made an election under this section shall receive the following services:

“(i)(I) An initial assessment of an individual’s medical condition, functional and cognitive capacity, and environmental and psychosocial needs.

“(II) Annual assessments after the initial assessment performed under subclause (I), unless the physician or care coordinator of the individual determines that additional assessments are required due to sentinel health events or changes in the health status of the individual that may require changes in plans of care developed for the individual.

“(ii) The development of an initial plan of care, and subsequent appropriate revisions to that plan of care.

“(iii) The management of, and referral for, medical and other health services, including multidisciplinary care conferences and coordination with other providers.

“(iv) The monitoring and management of medications.

“(v) Patient education and counseling services.

“(vi) Family caregiver education and counseling services.

“(vii) Self-management services, including health education and risk appraisal to identify behavioral risk factors through self-assessment.

“(viii) Providing access for consultations by telephone with physicians and other appropriate health care professionals, including 24-hour availability of such professionals for emergency consultations.

“(ix) Coordination with the principal non-professional caregiver in the home.

“(x) Managing and facilitating transitions among health care professionals and across settings of care, including the following:

“(I) Pursuing the treatment option elected by the individual.

“(II) Including any advance directive executed by the individual in the medical file of the individual.

“(xi) Activities that facilitate continuity of care and patient adherence to plans of care.

“(xii) Information about, and referral to, hospice services, including patient and family caregiver education and counseling about hospice, and facilitating transition to hospice when elected.

“(xiii) Such other medical and health care services for which payment would not otherwise be made under this title as the Secretary determines to be appropriate for effective care coordination, including the additional items and services as described in subparagraph (B).

“(B) ADDITIONAL BENEFITS.—The Secretary may specify additional benefits for which payment would not otherwise be made under this title that may be available to eligible beneficiaries who have made an election under this section (subject to an assessment by the care coordinator of an individual beneficiary’s circumstances and need for such benefits) in order to encourage the receipt of, or to improve the effectiveness of, care coordination services.

“(2) CARE COORDINATION AND ASSESSMENT REQUIREMENT.—Notwithstanding any other provision of this title, with respect to items and services for which payment is made under this title furnished to a beneficiary for the diagnosis and treatment of the beneficiary’s serious and disabling chronic condition, if the beneficiary has made an election to receive care coordination and assessment services under this section, the Secretary may require that payment may only be made under this title for such items and services relating to such condition if the items and services have been furnished by or coordinated through the care coordinator. Under such provision, the Secretary shall prescribe exceptions for emergency medical services (as described in section 1852(d)(3), but without regard to enrollment with a Medicare+Choice organization), and other exceptions determined by the Secretary for the delivery of timely and needed care.

“(e) CARE COORDINATORS.—

“(1) CONDITIONS OF PARTICIPATION.—In order to be qualified to furnish care coordination and assessment services under this section, an individual or entity shall—

“(A) be a health care professional or entity (which may include physicians, physician group practices, or other health care professionals or entities the Secretary may find appropriate) meeting such conditions as the Secretary may specify;

“(B) enter into a care coordination agreement under paragraph (2); and

“(C) meet such criteria as the Secretary may establish (which may include experience in the provision of care coordination or primary care physician’s services).

“(2) AGREEMENT TERM; PAYMENT.—

“(A) DURATION AND RENEWAL.—A care coordination agreement under this subsection shall—

“(i) be entered into for a period of 1 year and may be renewed if the Secretary is satisfied that the care coordinator continues to meet the conditions of participation specified in paragraph (1);

“(ii) assure the compliance of the care coordinator with such data collection and reporting requirements as the Secretary determines necessary to assess the effect of care coordination on health outcomes; and

“(iii) contain such other terms and conditions as the Secretary may require.

“(B) PAYMENT FOR SERVICES.—The Secretary shall establish payment terms and conditions and payment rates for basic care coordination and assessment services described in subsection (d)(1). The Secretary may establish new billing codes to carry out the provisions of this subparagraph.

“(f) DEFINITIONS.—In this section:

“(1) SERIOUS AND DISABLING CHRONIC CONDITION.—The term ‘serious and disabling chronic condition’ means, with respect to an individual, that the individual has at least one physical or mental condition and a licensed health care practitioner has certified within the preceding 12-month period that—

“(A) the individual has a level of disability such that the individual is unable to perform (without substantial assistance from another individual) for a period of at least 90 days due to a loss of functional capacity—

“(i) at least 2 activities of daily living; or

“(ii) such number of instrumental activities of daily living that is equivalent (as determined by the Secretary) to the level of disability described in clause (i);

“(B) the individual has a level of disability equivalent (as determined by the Secretary) to the level of disability described in subparagraph (A); or

“(C) the individual requires substantial supervision to protect the individual from threats to health and safety due to severe cognitive impairment.

“(2) ACTIVITIES OF DAILY LIVING.—The term ‘activities of daily living’ means each of the following:

“(A) Eating.

“(B) Toileting.

“(C) Transferring.

“(D) Bathing.

“(E) Dressing.

“(F) Continence.

“(3) INSTRUMENTAL ACTIVITIES OF DAILY LIVING.—The term ‘instrumental activities of daily living’ means each of the following:

“(A) Medication management.

“(B) Meal preparation.

“(C) Shopping.

“(D) Housekeeping.

“(E) Laundry.

“(F) Money management.

“(G) Telephone use.

“(H) Transportation use.

“(4) BENEFICIARY.—The term ‘beneficiary’ means an individual entitled to benefits under part A, or enrolled under part B, including an individual enrolled under the Medicare+Choice program under part C.”

(b) COVERAGE OF CARE COORDINATION AND ASSESSMENT SERVICES AS A PART B MEDICAL SERVICE.—

(1) IN GENERAL.—Section 1861(s) of the Social Security Act (42 U.S.C. 1395x(s)) is amended—

(A) in the second sentence, by redesignating paragraphs (16) and (17) as clauses (i) and (ii); and

(B) in the first sentence—

(i) by striking “and” at the end of paragraph (14);

(ii) by striking the period at the end of paragraph (15) and inserting “; and”; and

(iii) by adding after paragraph (15) the following new paragraph:

“(16) care coordination and assessment services furnished by a care coordinator in accordance with section 1866C.”

(2) CONFORMING AMENDMENTS.—Sections 1864(a) 1902(a)(9)(C), and 1915(a)(1)(B)(ii)(I) of such Act (42 U.S.C. 1395aa(a), 1396a(a)(9)(C), and 1396n(a)(1)(B)(ii)(I)) are each amended by striking “paragraphs (16) and (17)” each place it appears and inserting “clauses (i) and (ii) of the second sentence”.

(3) PART B COINSURANCE AND DEDUCTIBLE NOT APPLICABLE TO CARE COORDINATION AND ASSESSMENT SERVICES.—

(A) COINSURANCE.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)), as amended by sections 105 and 223 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106-554, is amended—

(i) by striking “and” at the end of subparagraph (T); and

(ii) by inserting before the final semicolon “, and (V) with respect to care coordination and assessment services described in section 1861(s)(16) that are furnished by, or coordinated through, a care coordinator, the amounts paid shall be 100 percent of the payment amount established under section 1866C”.

(B) DEDUCTIBLE.—Section 1833(b) of such Act (42 U.S.C. 1395l(b)) is amended—

(i) by striking “and” at the end of paragraph (5); and

(ii) by inserting before the final period “, and (7) such deductible shall not apply with respect to care coordination and assessment services (as described in section 1861(s)(16))”.

(C) ELIMINATION OF COINSURANCE IN OUTPATIENT HOSPITAL SETTINGS.—The third sentence of section 1866(a)(2)(A) of such Act (42 U.S.C. 1395cc(a)(2)(A)), as amended by section 102(b)(2), is further amended by inserting after “section 1833(p),” the following: “with respect to care coordination and assessment services (as described in section 1861(s)(16)).”

TITLE II—PAYMENT INCENTIVES FOR QUALITY CARE FOR INDIVIDUALS WITH SERIOUS AND DISABLING CHRONIC CONDITIONS

SEC. 201. ADJUSTMENTS TO FEE-FOR-SERVICE PAYMENT SYSTEMS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall provide for appropriate adjustments to each of the payment systems described in subsection (b) to take into account the additional costs incurred in providing items and services under the medicare program to medicare beneficiaries who suffer from serious and disabling chronic conditions, including the consideration of the patient classification system (or other methodology) under subsection (d). The Secretary shall implement such adjustments for items and services furnished on or after October 1, 2005.

(b) PAYMENT SYSTEMS DESCRIBED.—The payment systems referred to in subsection (a) are the following:

(1) The prospective payment system for covered skilled nursing facility services under section 1888(e) of such Act (42 U.S.C. 1395yy(e)).

(2) The prospective payment system for home health services under section 1895 of such Act (42 U.S.C. 1395fff).

(3) The prospective payment system for outpatient hospital services under section 1833(t) of such Act (42 U.S.C. 1395l(t)).

(4) The physician fee schedule under section 1848 of such Act (42 U.S.C. 1395w-4).

(5) The composite rate of payment for dialysis services under section 1881(b)(7) of such Act (42 U.S.C. 1395rr(b)(7)).

(6) The payment rate for outpatient therapy services and comprehensive outpatient rehabilitation services under section 1834(k) of such Act (42 U.S.C. 1395m(k)).

(7) The payment rate for partial hospitalization services established by the Secretary in regulations under title XVIII of such Act.

(8) The payment rate for hospice services under section 1814(i) of such Act (42 U.S.C. 1395f(i)).

(c) INTERIM REPORT.—Not later than 18 months after the date of enactment of this

Act, the Secretary shall submit to Congress a report on the proposed adjustments required under subsection (a) to the payment systems described in subsection (b), the methodology employed by the Secretary in providing for such proposed adjustments, and an assessment of the impact of such adjustments on access to effective care for medicare beneficiaries.

(d) PATIENT CLASSIFICATION SYSTEM.—The Secretary shall develop a patient classification system or other methodology to predict costs within and across postacute care settings attributable to furnishing items and services to medicare beneficiaries who suffer from serious and disabling chronic conditions. The Secretary shall develop such system by not later than October 1, 2004, and shall consult with representatives of providers of services and individuals with expertise in health care financing and risk adjustment methodology in developing such system.

SEC. 202. MEDICARE+CHOICE.

(a) REVISIONS TO RISK ADJUSTMENT METHODOLOGY.—

(1) IN GENERAL.—The Secretary shall revise the risk adjustment methodology under section 1853(a)(3) of the Social Security Act (42 U.S.C. 1395w-23(a)(3)) applicable to payments to Medicare+Choice organizations offering specialized programs for frail elderly and at-risk beneficiaries to take into account variations in costs incurred by such organizations.

(2) METHODS CONSIDERED.—In revising the risk adjustment methodology under paragraph (1), the Secretary shall consider—

(A) hybrid risk adjustment payment systems, such as partial capitation;

(B) new diagnostic and service markers that more accurately predict high risk;

(C) improving the structural components of the applicable method of payment, such as reducing payment lag, using multiple site diagnostic data, and using several years of data;

(D) providing for adjustments to payment amounts for beneficiaries with comorbidities;

(E) testing concurrent risk adjustment methodologies; and

(F) testing payment methods using data from specialized programs for frail elderly and at-risk beneficiaries.

(3) IMPLEMENTATION.—The Secretary shall implement such revisions to the risk adjustment methodology for items and services furnished on or after January 1, 2005.

(4) INTERIM REPORT.—Not later than January 1, 2004, the Secretary shall submit to Congress a report on revision of the risk adjustment methodology required under paragraph (1), including a description of the methods considered and employed by the Secretary in providing for such revision and an assessment of the impacts of such methods on access to effective care for medicare beneficiaries.

(b) INTERIM CONTINUATION OF BLENDED RATE FOR SPECIALIZED PROGRAMS FOR FRAIL ELDERLY AND AT-RISK MEDICARE BENEFICIARIES RESIDING IN INSTITUTIONS.—

(1) IN GENERAL.—In the case of a Medicare+Choice organization that complies with the requirements under paragraph (2) and that offers a Medicare+Choice plan that provides for a specialized program for frail elderly and at-risk beneficiaries that exclusively serves beneficiaries in institutions or beneficiaries that are entitled to medical assistance under a State plan under title XIX, notwithstanding section 1853(a)(3)(C)(ii) of the Social Security Act (42 U.S.C. 1395w-23(a)(3)(C)(ii)), such organization shall be paid according to the method described in section 1853(a)(3)(C)(ii)(I) until such time as

the Secretary has implemented the revised risk adjustment methodology required in subsection (a).

(2) REQUIREMENTS.—A Medicare+Choice organization may not qualify for the payment methodology under paragraph (1) unless the organization collects such data (and in such format) as the Secretary requires to monitor quality of services provided, outcomes, and costs, including functional and diagnostic data and information collected through the Health Outcomes Survey.

(c) INTERIM CONTINUATION OF PAYMENT METHODOLOGIES FOR DEMONSTRATION PROGRAMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, payment methodologies for medicare demonstration programs for specialized programs for frail elderly and at-risk beneficiaries that comply with the requirements under paragraph (2) shall continue under the terms and conditions of the demonstration authority, including the risk adjustment factors and formula used for paying such demonstration programs, until such time as the Secretary has implemented the revised risk adjustment methodology required in subsection (a).

(2) REQUIREMENTS.—A medicare demonstration program may not qualify for the payment methodology under paragraph (1) unless the program collects such data (and in such format) as the Secretary requires to monitor quality of services provided, outcomes, and costs, including functional and diagnostic data and information collected through the Health Outcomes Survey.

(d) INTERIM DEMONSTRATION PROGRAM FOR ADDITIONAL PAYMENTS FOR SPECIALIZED PROGRAMS.—

(1) IN GENERAL.—The Secretary shall establish a demonstration program under which additional payments (in such manner and amount as the Secretary determines appropriate) may be made to a Medicare+Choice organization that complies with the requirements under paragraph (2) and that offers a Medicare+Choice plan that—

(A) provides, directly or through contract, for a specialized program of care for enrollees with serious and disabling chronic conditions; and

(B) exclusively serves enrollees with serious and disabling chronic conditions or serves a disproportionate share of such enrollees.

(2) REQUIREMENTS.—A Medicare+Choice organization may not qualify for additional payments under paragraph (1) unless the organization and the specialized program of care meet the following requirements:

(A) Under the specialized program of care, a clinical delivery system is established that meets the needs of such enrollees, including—

(i) methods to prevent, delay, or minimize the progression of disabilities;

(ii) disease management protocols, such as high risk screening to identify risk of hospitalization, nursing home placement, functional decline, death, and other factors that increase the costs of care provided;

(iii) appropriate specially trained health care staff, such as nurse practitioners, geriatric care managers, or mental health professionals; and

(iv) methods for promoting integration of care, financing, and administrative functions across health care settings.

(B) The organization collects such data (and in such format) as the Secretary requires to monitor quality of services provided, outcomes, and costs, including functional and diagnostic data and information collected through the Health Outcomes Survey.

(C) The organization employs quality standards and tracks quality indicators spec-

ified by the Secretary that are relevant to the special needs of enrollees with serious and disabling chronic conditions.

(D) The organization does not receive payments, or adjustment to payments, with respect to any enrollee by reason of subsection (b) or (c).

(3) WAIVER AUTHORITY.—The Secretary may waive such requirements of title XVIII of the Social Security Act as may be necessary to carry out this demonstration program.

(4) TERMINATION.—The demonstration program under this subsection shall terminate 1 year after such time as the Secretary has implemented the revised risk adjustment methodology required in subsection (a).

(5) FUNDING.—There are authorized to be appropriated to the Secretary \$25,000,000 for carrying out the demonstration program under this subsection.

(e) DEFINITION.—In this section, the term “specialized programs for frail elderly and at-risk beneficiaries” means—

(1) demonstrations approved by the Secretary for purposes of testing the integration of acute and expanded care services under prepaid financing which include prescription drugs and other noncovered ancillary services, care coordination, and home and community-based services, such as the social health maintenance organization demonstration project authorized under section 2355 of the Deficit Reduction Act of 1984 and expanded under section 4207(b)(4)(B)(i) of the Omnibus Reconciliation Act of 1990;

(2) demonstrations approved by the Secretary for purposes of improving quality of care and preventing hospitalizations for nursing home residents, such as the EverCare demonstration project;

(3) demonstrations approved by the Secretary for purposes of testing methods for integrating medicare and medicaid benefits for the dually eligible, such as the Minnesota Senior Health Options program, the Wisconsin Partnership program, the Massachusetts Senior Care Organization program, and the Rochester Community Care Network program;

(4) demonstrations approved by the Secretary under subsection (d); and

(5) such other demonstrations or programs approved by the Secretary for similar purposes, as determined by the Secretary.

TITLE III—DEVELOPMENT OF NATIONAL POLICIES ON EFFECTIVE CHRONIC CONDITION CARE

SEC. 301. STUDY AND REPORT ON EFFECTIVE CHRONIC CONDITION CARE.

(a) STUDY.—For purposes of improving chronic condition care furnished to medicare beneficiaries under the medicare program, the Secretary of Health and Human Services shall conduct a comprehensive study of chronic condition trends of medicare beneficiaries and associated service utilization, quality indicators, and cumulative costs.

(b) SPECIFIC MATTERS STUDIED.—The study conducted under subsection (a) shall include an assessment of the following:

(1) Chronic condition prevalence rates.

(2) Demographic, medical, and functional information about medicare beneficiaries with chronic conditions.

(3) Utilization, cost, and quality data across settings, including—

(A) expenditures under a State plan under title XIX of the Social Security Act for individuals dually eligible for benefits under the medicare and medicaid programs,

(B) data on out-of-pocket expenses paid by medicare beneficiaries,

(C) data on payments made by non-Federal health insurance programs,

(D) amounts and percentages of overall payments made to medicare providers of services and suppliers for medicare beneficiaries with chronic conditions, and

(E) current and future cost-shifting for treatment of such beneficiaries between the medicare and medicaid programs.

(c) INFORMATION.—

(1) IN GENERAL.—The Secretary may collect such data from providers of services, suppliers, fiscal intermediaries, and carriers. Such providers, suppliers, fiscal intermediaries, and carriers shall furnish to the Secretary the data the Secretary requires to conduct the study under subsection (a).

(2) REQUIREMENT TO CONSIDER DATA PREVIOUSLY COLLECTED.—To the maximum extent practicable, in conducting the study, the Secretary shall analyze existing data and utilize existing data collection methodologies.

(3) CONSULTATION.—The Secretary shall consult with representatives of providers of services, suppliers, fiscal intermediaries, and carriers with respect to data collection requirements to conduct the study with respect to the specific matters described in subsection (b).

(d) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, and triennially thereafter, the Secretary shall submit to Congress a report on the study conducted under subsection (a) and the specific matters studied under subsection (b).

(2) RECOMMENDATIONS.—Each report shall also include specific recommendations with respect to appropriate care for medicare beneficiaries with chronic conditions, including the establishment, and refinement, of goals for reducing chronic condition prevalence rates and related medical expenses.

(e) DEFINITION.—In this section, the term “chronic condition” means one or more physical or mental conditions which are likely to last for an unspecified period of time, or for the duration of an individual’s life, for which there is no known cure, and which may affect an individual’s ability to carry out basic activities of daily living, instrumental activities of daily living, or both.

(f) REDUCTION OF PAPERWORK; ASSISTANCE WITH DEVELOPMENT OF COMPUTER-ASSISTED PAPERWORK REDUCTION TECHNOLOGY.—

(1) REDUCTION OF PAPERWORK.—Not later than one year after the date of enactment of this Act, the Secretary shall, in consultation with providers of services and suppliers under the medicare program, patient advocacy groups, and State and local health care administration experts, implement a program to eliminate or simplify those paperwork requirements that are not required by law, and do not contribute to the quality of care furnished to medicare beneficiaries or the integrity of the medicare program.

(2) DEVELOPMENT OF BEST PRACTICES SOFTWARE.—

(A) IN GENERAL.—The Secretary, through the Office of Research and Development of the Center for Medicare and Medicaid Services, shall develop and disseminate to providers of services and suppliers participating in the medicare program best practices electronic software and medical technology information systems designed to reduce the duplicative recording of information, to reduce the need for handwritten entries, and to reduce the risk of medical and pharmaceutical errors in data entry.

(B) TECHNICAL ASSISTANCE.—The Secretary shall provide for technical assistance in the use of the electronic software developed under subparagraph (A).

(C) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2002, 2003, and 2004, there are authorized to be appropriated to the Secretary \$10,000,000 to carry out this paragraph.

SEC. 302. INSTITUTE OF MEDICINE MEDICARE CHRONIC CONDITION CARE IMPROVEMENT STUDY AND REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall contract with the Institute of Medicine of the National Academy of Sciences to—

(A) conduct a comprehensive study of the medicare program to identify—

(i) factors that facilitate access to effective care (including, where appropriate, hospice care) for medicare beneficiaries with chronic conditions; and

(ii) factors that impede access to such care for such beneficiaries, including the issues studied under paragraph (2); and

(B) submit the report described in subsection (b).

(2) ISSUES STUDIED.—The study required under paragraph (1) shall—

(A) identify inconsistent clinical, financial, or administrative requirements across provider and supplier settings or professional services with respect to medicare beneficiaries;

(B) identify requirements under the program imposed by law or regulation that—

(i) promote costshifting across providers and suppliers;

(ii) impede access to effective chronic condition care by requiring the demonstration of continuing clinical improvement of the condition as a prerequisite to coverage of certain benefits;

(iii) impose unnecessary burdens on such beneficiaries and their family caregivers;

(iv) impede coverage for services that prevent, delay, or minimize the progression of chronic conditions;

(v) impede the establishment of administrative information systems to track health status, utilization, cost, and quality data across providers and suppliers and provider settings;

(vi) impede the establishment of clinical information systems that support continuity of care across settings and over time;

(vii) impede the alignment of financial incentives among the medicare program, the medicaid program, and group health plans and providers and suppliers that furnish services to the same beneficiary; or

(viii) impede payment methods that encourage the enrollment of high-risk populations, support innovation, or encourage providers and suppliers to maintain or improve health status for such medicare beneficiaries.

(b) REPORT.—On the date that is 18 months after the date of enactment of this Act, the Institute of Medicine of the National Academy of Sciences shall submit to Congress and the Secretary of Health and Human Services a report that contains—

(1) a detailed statement of the findings and conclusions of the study conducted under subsection (a); and

(2) recommendations to improve access to effective care for medicare beneficiaries with chronic conditions.

SUMMARY OF THE MEDICARE CHRONIC CARE IMPROVEMENT ACT OF 2001

TITLE I—EXPANSION OF BENEFITS TO PREVENT, DELAY, AND MINIMIZE THE PROGRESSION OF CHRONIC CONDITIONS

Improve access to preventive services

Eliminate deductibles and co-insurance for Medicare covered preventive services.

Streamline process of approving preventive benefits by directing the Secretary of Health and Human Services to contract with the Institute of Medicine (IOM) to investigate and recommend new preventive benefits every 3 years. Grant the Secretary the authority to implement these recommendations, and fast-track the recommendations through Congress if the Secretary chooses not to act upon this authority.

Expand access to health promotion services

Establish demonstration projects to promote disease self-management.

Implement a Medicare health education and risk appraisal program no later than 18 months after a series of demonstration projects conclude.

Expand coverage for care coordination and assessment services

Create a new benefit that covers assessment, care coordination, counseling, and education assistance for individuals with serious and disabling chronic conditions. Services could be provided by health care professionals, including physicians, social workers, and nurses.

Examples of items and services to be covered include: initial and periodic health screening and assessments; management and referral for medical and other health services; medication management; and patient and family caregiver education and counseling.

TITLE II—ESTABLISH PAYMENT INCENTIVES FOR FURNISHING QUALITY SERVICES TO INDIVIDUALS WITH SERIOUS AND DISABLING CHRONIC CONDITIONS

Improve medicare financing methods

Direct the Secretary to refine Medicare prospective payment systems for skilled nursing facility (SNF), home health, therapy, partial hospitalization, end stage renal dialysis (ESRD), and outpatient hospital services and refine resource-based relative value scale (RBRVS) payment methods for physicians to ensure appropriate payment for serving individuals with serious and disabling chronic conditions.

Direct the Secretary to refine Medicare+Choice risk adjustment methodology to provide adequate payment for plans with specialized programs for frail elderly and at-risk beneficiaries.

Until the refined risk adjustment methodology is implemented, direct the Secretary to continue current payment methodologies for existing specialized programs for frail elderly and at-risk beneficiaries.

Create a demonstration program to provide additional payments to Medicare+Choice plans that provide a specialized program of care for beneficiaries with serious and disabling chronic conditions. These plans must exclusively serve such beneficiaries or serve a disproportionate share of such beneficiaries. The demonstration program would expire one year after the refund risk adjustment methodology is implemented.

TITLE III—STUDY AND REPORT ON EFFECTIVE CHRONIC CONDITION CARE

Evaluate Medicare policies regarding chronic condition care

Direct the Secretary to study chronic condition trends and associated service utilization, cumulative costs, and quality indicators in Medicare.

Direct the Secretary to report the study results to Congress every 3 years. The report must include recommendations on improving care for Medicare beneficiaries with chronic conditions, reducing chronic conditions, and reducing related medical expenses.

Identify improvements in Medicare to ensure effective chronic condition care

Direct the Secretary to contract with the IOM to investigate and identify barriers and facilitators to effective care for Medicare beneficiaries with chronic conditions, including inconsistent clinical, financial, or administrative requirements across care settings. The IOM's report must include recommendations to improve access to effective care.

Definitions

“Chronic condition” means one or more physical or mental conditions which are

likely to last for an unspecified period of time, or for the duration of an individual's life, for which there is no known cure, and which may affect an individual's ability to carry out basic activities of daily living (ADLs), instrumental activities of daily living (IADLs), or both.

“Serious and disabling chronic condition(s)” means the individual has one or more physical or mental conditions and has been certified by a licensed health care practitioner within the preceding 12 months as having a level of disability such that the individual, for at least 90 days, is unable to perform at least 2 ADLs or a number of IADLs or other measure indicating an equivalent level of disability or requiring substantial supervision due to severe cognitive impairment.

By Mr. NELSON of Florida:

S. 1592. A bill to amend title XI of the Social Security Act to prohibit Federal funds from being used to provide payments under a Federal health care program to any health care provider who charges a membership or any other extraneous or incidental fee to a patient as a prerequisite for the provision of an item or services to the patient; to the Committee on Finance.

Mr. NELSON of Florida. Mr. President, I am pleased to introduce the Medicare Equal Access to Care Act. I am joined by my colleagues Senators DURBIN and EDWARDS. This legislation is designed to address a disturbing development which may make it harder for some seniors to have access to Medicare.

I have recently become aware of a practice, an early example of which took place in Florida, in which doctors assess their existing patients a \$1,500 membership fee in order to receive continued care. In some States, these fees have been as high as \$20,000. By charging these extraneous and unwarranted dues, the doctors can shrink their practice, yet maintain their profits. Another version of this arrangement is to require that patients seek and pay for non-Medicare covered services from their doctors as a condition for joining or remaining in the practice. Tragically, the patients who can't afford these large sums for the privilege of medical care or who choose not to purchase non-Medicare covered services are simply told to find another doctor. In areas where there is already a shortage of doctors, this practice could severely hamper Medicare beneficiaries' access to health care.

Then, in addition to membership fees the doctors bill Medicare for the cost of the covered services they provide.

Were Medicare a private insurance company, this practice would not be allowed. Private health insurance companies do not permit their providers to charge an “access fee” as a condition to being accepted as a patient. The Federal Government, the American taxpayers, should not hold its providers to a looser standard, thereby supporting a distasteful division of Medicare beneficiaries into haves and have-nots. This situation is unacceptable.

The Medicare Equal Access to Care Act bill will put a damper on such agreements. This legislation is simple: it will prevent any federal health program, like Medicare, from reimbursing doctors who charge their patients membership fees, as defined by the Secretary of Health and Human Services, or who require that their patients purchase non-Medicare.

I want to emphasize that this legislation does not interfere with the right of the doctor and patient to enter into private arrangements. A doctor may forego Medicare reimbursement and charge patients a membership fee of any amount, and patients have the choice of whether to accept that condition. Likewise, a doctor is free to charge a patient for any service that is not reimbursed under Medicare.

Though they present a carefully crafted loophole, these arrangements violated the intent and spirit of the Balanced Billing Act.

Clearly, our health care system is not working for patients. Additionally it's not working for doctors, if they must resort to these types of practices. Also, hundreds of thousands of our nation's seniors have been informed that their managed care company will be withdrawing from the Membership program. We need to adequately reimburse doctors, to provide the incentive to continue to participate in the Medicare+Choice program. Just as we don't want Medicare beneficiaries to be told their HMO is unavailable, we don't want them to be told their doctor is unavailable, unless they pay a fee. These are among these reasons that Congress needs to complete and pass a Patient's Bill of Rights and send it to the President. But in the meantime, we must protect our seniors and ensure that their access to Medicare is not subject to hurdles and conditions.

I look forward to working with my colleagues to pass the Medicare Equal Access to Care Act.

I ask unanimous consent that the text of the Bill be printed in the RECORD.

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

S. 1592

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equal Access to Care Act".

SEC. 2. LIMITATION ON PAYMENTS TO PROVIDERS UNDER A FEDERAL HEALTH CARE PROGRAM.

(a) IN GENERAL.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1128F the following new section:

"SEC. 1128G. LIMITATION ON PAYMENTS TO PROVIDERS UNDER A FEDERAL HEALTH CARE PROGRAM.

"(a) IN GENERAL.—No Federal funds shall be used to provide payments under a Federal health care program to any physician (as defined in section 1861(r)), practitioner (as described in section 1842(b)(18)(C)), or other individual who charges a membership fee or

any other extraneous or incidental fee to a patient, or requires a patient to purchase an item or service, as a prerequisite for the provision of an item or service to the patient.

"(b) FEDERAL HEALTH CARE PROGRAM DEFINED.—In this section, the term 'Federal health care program' has the meaning given that term under section 1128B(f) except that, for purposes of this section, such term includes the health insurance program under chapter 89 of title 5, United States Code."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to payments made on or after the date of enactment of this Act.

By Mr. JEFFORDS (for himself,
Mr. SMITH of New Hampshire,
and Mr. CRAPO):

S. 1593. A bill to authorize the Administrator of the Environmental Protection Agency to establish a grant program to support research projects on critical infrastructure protection for water supply systems, and for other purposes; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, Members of the Senate, I rise before you today to introduce the Water Infrastructure Security and Research Development Act. This legislation authorizes the U.S. Environmental Protection Agency to provide funding to support research projects on critical infrastructure protection for water supply systems.

Our Nation's water supply system is truly unique. It uses a decentralized, community-based approach to provide superior water services to all citizens of the United States. Here, we turn on the tap in our homes and receive clean, fresh water without giving it much thought. This not the way water systems operate throughout the world.

A 1997 United Nations report on the state of water resources worldwide states that at least one-fifth of all people do not have access to safe drinking water, and more than one-half lack adequate sanitation. Quoting from the report:

The World Health Organization estimates that a total of more than five million people die each year just from diseases caused by unsafe drinking water, and a lack of sanitation and water for hygiene. Provision of safe drinking water and sanitation could reduce the amount of illness and death by as much as three-quarters, depending on the disease.

In this country, we often take our water system for granted. When considered in the international context, the true value of our water system becomes more apparent. We truly have something to protect.

During my tenure as Chairman of the Environment and Public Works Committee, we have been evaluating the state of our Nation's water infrastructure, both drinking water and wastewater. It is clear that we have work to do to modernize our existing systems and ensure that we continue to provide clean, safe water to our citizens into the future. Our discussions in the Committee tend to focus on infrastructure replacement needs, the funds that will be required, and the extent of the fed-

eral role. I am committed to this process, and I look forward to continuing to work with my colleagues on legislation that we plan to introduce early next year.

However, today, I rise to speak to you about another aspect of our Nation's water infrastructure—security. Since the events of September 11, I have worked with the members of the Environment and Public Works Committee and the Environmental Protection Agency to ensure that we are taking the steps necessary to protect our nation's water infrastructure system during these times. There are many short term actions that have already been taken.

Based on the recommendations of Presidential Decision Directive 63, issued by President Clinton in 1998, the Environmental Protection Agency and its industry partner, the Association of Metropolitan Water Agencies, have established a communications system, a water infrastructure Information Sharing and Analysis Center, designed to provide real-time threat assessment data to water utilities throughout the nation.

Through this partnership, the Environmental Protection Agency and the Association of Metropolitan Water Agencies are working to develop generic assessment tools that individual water utilities can use to assess their facilities for potential physical and cyber threats. I believe that the rapid completion of both these tools and the individual assessments is imperative. In early October, I sent a letter to the President with Senators SMITH, GRAHAM, and CRAPO and Representatives TAUZIN, DINGELL, GILLMOR, and PALONE requesting that he use a portion of the \$20 billion of discretionary funds provided to the Administration by Congress this year to provide assistance for these assessments to water utilities.

The legislation I am introducing today with Senator SMITH will take us one step further by authorizing support of both ongoing efforts under Presidential Decision Directive 63 and new research to assess potential threats to our water supply system and develop solutions.

This legislation authorizes twelve million dollars per year from 2002 to 2007 for the Environmental Protection Agency to use for grants to or cooperative agreements with research institutions. Projects conducted under these agreements will be used to conduct research addressing physical and cyber threats at water supply systems, improvements in information sharing and analysis efforts, and technical assistance and training. These projects will address both drinking water and wastewater systems that make up our nation's water supply infrastructure.

Eligible research institutions will include public and private entities, including national laboratories that perform research that will improve the security of water supply systems. Our legislation includes a provision to ensure that those entities conducting this research have the ability to effectively safeguard sensitive information.

Individual projects will fall into a series of categories designed to develop the information we need to protect our water supply system nationwide.

First, projects will assess the security issues for water supply systems by conducting assessments and developing and refining vulnerability assessment tools.

Second, projects will protect water supply systems from potential threats by developing technologies, processes, guidelines, standards, and procedures for the purpose of protecting water supply systems. Projects will also develop real-time monitoring systems to protect against chemical, biological, or radiological attack.

Third, projects will develop technologies and processes for addressing the mitigation, response and recovery of biological, chemical and radiological contamination of water supply systems.

Fourth, projects will implement requirements of Presidential Decision Directive 63 by refining and operating the Information Sharing and Analysis Center to capture and share threats, events and best practices.

Finally, projects will test and evaluate new technologies and processes by developing regional "pilot facilities" to demonstrate upgraded security systems, assess new technologies, and to determine operational and cost impacts due to enhanced security.

Individual awards may not exceed one million dollars. Test and evaluation projects will be cost-shared on a 50-50 basis.

I look forward to working with my colleagues on this legislation and other efforts to enhance the security of our Nation's water infrastructure in the weeks, months, and years to come. We truly have something to protect; clean, safe, fresh water is worth our investment.

By Mrs. CLINTON (for herself, Mr. SMITH of Oregon, Mr. KENNEDY, and Mrs. MURRAY):

S. 1594. A bill to amend the Public Health Service Act to provide programs to improve nurse retention, the nursing workplace, and the quality of care; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am proud to introduce today the Nurse Retention and Quality Care Act of 2001 and to speak about the importance of nurses and the work they do. On September 11, nurses were among those who were on the front lines of the battle against terrorism. With courage, skill and determination, they were on the job, treating the injured, helping to save lives.

To this day, nurses are defending America. In clinics, hospitals and offices around the country, they are working to detect and treat actual or suspected cases of anthrax. Should our Nation face other biological threats or terrorist attacks, nurses will be there for us.

Today's news that a woman who works in the Manhattan Eye, Ear and Throat Hospital is in critical condition with possible inhalation anthrax is a reminder of the hazards faced by health care workers. And it is a reminder of how important it is that our public health system be fully staffed with trained health care professionals.

Sadly, America is facing a nursing shortage at a time when the need for more nurses is so clear. Our nurses are facing an emergency of their own and they need our help. The nursing shortage imposes increasing hardship on hospitals and nurses alike, and threatens the ability of our health care system to provide basic patient care, much less respond to health crises and terrorism.

Not only is the number of individuals entering the nursing profession falling, but hospitals are also facing difficulty retaining the nurses already on staff. Fifty percent of nurses say they have recently considered leaving their jobs for reasons other than retirement, and approximately half a million licensed nurses are not currently practicing nursing. Many of the nurses who have considered leaving the profession cite their low level of overall job satisfaction.

While we must do more to improve the number of nurses in training, we must also take steps to enhance the workplace to retain current nurses, and that is what the bill that Senator GORDON SMITH and I will be introducing today would address.

One way to retain nurses is to follow the example of those hospitals that have become nursing "magnets." They are successful because they involve nurses in decision-making, encourage collaboration among health professionals, give nurses the opportunity to pursue continuing education and advancement, and they organize care to improve patient outcome.

Our bill is designed to encourage more hospitals to follow these leads. And I am pleased that hospitals and nurses support this bill. It has been endorsed by the American Nurses Association and the American Hospitals Association.

It is also a good bill for patients and their quality of care as well. Research has shown that magnet hospitals have lower mortality rates, shorter lengths of stay, higher patient satisfaction and cost-efficiency.

As our Nation faces increasing threats of terrorist and biological attack, our health system must be stronger than ever before. One of the best ways we can do this is by taking steps to reverse the nursing shortage, and ensure that nurses on the front

lines are well-prepared to respond to emergencies.

Our bill does both. First, it creates demonstration programs to encourage states to adopt magnet hospital practices, which will help attract and retain the nursing staff our hospitals need so they can cope with surges in patient volume.

And, second, our bill encourages nurses to pursue continued education. That is so important today, when we need more health care professionals who can detect the early signs of a bioterrorist attack. This legislation will promote the kind of training that the New York State Nurses Association, Bellevue Hospital and New York College provide for nurses in my state.

Mr. SMITH of Oregon. Mr. President, I rise today to join my colleague from New York, Senator CLINTON, in introducing the Nurse Retention and Quality of Care Act of 2001. As most of my colleagues already know, our Nation is facing an unprecedented nursing shortage. A Northwest Health Foundation study released this year found that Oregon alone will have 3,200 nursing vacancies in 2010. It is critical that we act immediately to address this shortage, and we must start by retaining the highly skilled nurses that already constitute the foundation of our health care system.

Our Nation's nursing shortage is not merely the result of poor nurse recruitment, this shortage exists in large part because nurses are leaving the profession altogether. Half a million licensed nurses are not currently practicing. These nurses represent some of our Nation's most compassionate and experienced health care professionals, but they feel compelled to look elsewhere for work, and we must do something to change this disturbing trend.

The Nurse Retention and Quality of Care Act will give hospitals incentives to develop and implement model practices for retaining nurses, such as the methods used by "magnet hospitals". Magnet hospitals have been in existence for a number of years, and share certain characteristics designed to make these hospitals attractive workplaces for nurses. These hospitals promote nurse participation in decision-making, collaboration and communication among health care professionals, opportunities for nurses to pursue education and career advancement, and a balanced and accommodating work environment for nurses.

Nurses in magnet hospitals stay twice as long on average as those in non-magnet hospitals, and consistently report greater job satisfaction. Patients also express higher satisfaction in magnet hospitals. There is one such hospital in my home state of Oregon, Providence St. Vincent Medical Center in Portland, OR, and I am not alone in hoping this legislation will lead to additional magnet facilities. Our legislation will authorize \$40 million in demonstration grants for health care facilities to implement the model practices

utilized by magnet hospitals, and I believe that this will be an important step toward fixing our Nation's impending nursing shortage.

Nurses are the human face of medicine, but the demands on them are increasingly difficult to bear. The Nurse Retention and Quality of Care Act paves the way for hospitals to implement practices that will improve the morale of nurses and encourage them to stay in the nursing profession. Now, more than ever, with the current health and safety concerns facing our Nation, we must let nurses know that they are important to us and that we value their expertise and compassion. By passing this bill, we can do just that, and take important steps to ensure an adequate supply of highly qualified nurses for years to come.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 80—EXPRESSING THE SENSE OF CONGRESS REGARDING THE 30TH ANNIVERSARY OF THE ENACTMENT OF THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. BOND (for himself, Mr. GRAHAM, Mr. VOINOVICH, Mr. JEFFORDS, and Mr. CRAPO) submitted the following concurrent resolution; which was referred to the Committee on Environment and Public Works:

S. CON. RES. 80

Whereas clean water is a natural resource of tremendous value and importance to the United States;

Whereas there is resounding public support for protecting and enhancing the quality of the rivers, streams, lakes, wetland, and marine water of the United States;

Whereas maintaining and improving water quality is essential to protecting public health, fisheries, wildlife, and watersheds, and to ensuring abundant opportunities for public recreation and economic development;

Whereas it is a national responsibility to provide clean water for future generations;

Whereas substantial progress has been made in protecting and enhancing water quality since the date of enactment, in 1972, of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) due to concerted efforts by Federal, State, and local governments, the private sector, and the public;

Whereas serious water pollution problems persist throughout the United States and significant challenges lie ahead in the effort to protect water resources from point sources and nonpoint sources of pollution;

Whereas further development and innovation of water pollution control programs and advancement of water pollution control research, technology, and education are necessary and desirable; and

Whereas October 2002 is the 30th anniversary of the enactment of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.): Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That, as the United States marks the 30th anniversary, in October 2002, of the enactment of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), Congress encourages the people of

the United States and all levels of government to recognize and celebrate the accomplishments of the United States under, and to recommit to achieving the goals of, that Act.

Mr. BOND. Mr. President, it is a pleasure for me to submit a concurrent resolution with the House of Representatives to commemorate the 30th anniversary of the Clean Water Act next October 2002. Representative SHERRY BOEHLERT is introducing the House version and joining me in the Senate are Senators CRAPO, GRAHAM, and VOINOVICH.

Every time we look out onto a river, swim in a lake, or cast a line in search of a fish, we have the Clean Water Act to thank. Streams that were once devoid of fish and other aquatic life now support numerous and varied aquatic populations. Lakes that were once choked by pollution are now vastly improved. Wastewater discharges from municipal and industrial sources are being controlled.

One of the first and most successful national environmental laws to be passed by the Federal Government, the Federal Water Pollution Control Act, commonly known as the Clean Water Act, was enacted in 1972 and set the goal of restoring and maintaining the chemical, physical, and biological integrity of the nation's waters. In the nearly three decades since its enactment, Clean Water Act programs have yielded measurable improvements in water quality.

We have come a long way, yet much remains to be done to achieve the Acts' goals of "fishable" and "swimmable" waters. Nonpoint sources of pollution from urban, suburban and rural areas are remain a significant threat to the nation's water resources. Science has given us the ability to detect pollutants in ever decreasing amounts. Technological advances, while providing solutions to pollution problems, also pose new pollution concerns.

Therefore, while commemorating a successful 30 years in clean water, we must also recommit ourselves to solving remaining clean water problems. The time until the 30th anniversary on October 18, 2002, will provide us a year to renew our commitment to clean our waters. As it did in 1992, America's Clean Water Foundation, ACWF, will coordinate the Year of Clean Water with activities: 1. highlighting the need to enhance collective appreciation for the importance of our water resources, 2. educating our nation's youth 3. building a better understanding of remaining challenges and solutions, and 4. rekindling the stewardship ethic begun in the 1970's.

The Year of Clean Water activities, scheduled throughout 2002, will provide the opportunity for citizens and governments to come together in support of clean water and water resource protection programs. For example, program planning is under way for a World Watershed Summit, a Youth Watershed Summit, a National Stormwater Con-

ference, a Legal and Economic Issues Forum, and a national water quality monitoring effort to gather water quality data from around the country. Please join me in support this legislation.

SENATE RESOLUTION 174—EXPRESSING APPRECIATION TO THE UNITED KINGDOM FOR ITS SOLIDARITY AND LEADERSHIP AS AN ALLY OF THE UNITED STATES AND REAFFIRMING THE SPECIAL RELATIONSHIP BETWEEN THE TWO COUNTRIES

Mr. MILLER (for himself and Mr. HELMS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 174

Whereas the United Kingdom has been a stalwart and loyal ally to the United States; Whereas in response to the September 11, 2001 terrorist attacks on the United States the Prime Minister of the United Kingdom, Tony Blair, declared that "America is our closest ally and friend. The links between our two peoples are many and close and have been further strengthened over the last few days. We believe in Britain that you stand by your friends in times of trial just as America stood by us";

Whereas the United Kingdom has worked with the United States to build and consolidate an international coalition of countries determined to defeat the scourge of terrorism;

Whereas Prime Minister Tony Blair and other senior officials of the Government of the United Kingdom have personally traveled to foreign capitals, including Moscow, Islamabad, and New Delhi, as part of the effort to build this international coalition; and

Whereas British military forces participated in the initial strikes against the Taliban and the Al Qaeda terrorist network and continue to fight side by side with United States forces in this war against terrorism: Now, therefore, be it

Resolved, That the Senate—

(1) extends its most heartfelt appreciation to the United Kingdom for its unwavering solidarity and leadership as an ally of the United States; and

(2) reaffirms the special relationship of history, shared values, and common strategic interests that the United States enjoys with the United Kingdom.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2017. Mr. HARKIN (for himself and Mr. SPECTER) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

SA 2018. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2019. Mr. FEINGOLD (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2020. Mr. DOMENICI (for himself, Mr. WELLSTONE, Mr. KENNEDY, Mr. REID, Ms. STABENOW, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BYRD, Ms.

CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mr. CHAFFEE, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. FRIST, Mr. GRAHAM, Mr. GRASSLEY, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Ms. MIKULSKI, Mr. MILLER, Mrs. MURRAY, Mr. NELSON, of Florida, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Mr. THOMAS, Mr. TORRICELLI, Mr. WARNER, Mr. WYDEN, and Mr. STEVENS) proposed an amendment to the bill H.R. 3061, *supra*.

SA 2021. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 3061, *supra*; which was ordered to lie on the table.

SA 2022. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3061, *supra*; which was ordered to lie on the table.

SA 2023. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3061, *supra*; which was ordered to lie on the table.

SA 2024. Mr. DORGAN (for himself, Mr. HARKIN, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 3061, *supra*.

SA 2025. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 3061, *supra*; which was ordered to lie on the table.

SA 2026. Ms. COLLINS (for herself, Mr. CHAFFEE, Mr. KERRY, and Mr. WELLSTONE) submitted an amendment intended to be proposed by her to the bill H.R. 3061, *supra*; which was ordered to lie on the table.

SA 2027. Mr. GRAHAM (for himself, Mr. BIDEN, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3061, *supra*; which was ordered to lie on the table.

SA 2028. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 3061, *supra*; which was ordered to lie on the table.

SA 2029. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, *supra*; which was ordered to lie on the table.

SA 2030. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, *supra*; which was ordered to lie on the table.

SA 2031. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, *supra*; which was ordered to lie on the table.

SA 2032. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, *supra*; which was ordered to lie on the table.

SA 2033. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, *supra*; which was ordered to lie on the table.

SA 2034. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, *supra*; which was ordered to lie on the table.

SA 2035. Mr. BYRD (for himself and Mr. STEVENS) proposed an amendment to amendment SA 2020 submitted by Mr. DOMENICI and intended to be proposed to the bill (H.R. 3061) *supra*.

SA 2036. Mr. SMITH, of New Hampshire (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1401, to authorize appropriations for the Department of State and for United States international broadcasting ac-

tivities for fiscal years 2002 and 2003, and for other purposes; which was ordered to lie on the table.

SA 2037. Mr. REID (for Mr. KOHL (for himself and Mr. COCHRAN)) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes.

SA 2038. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 2039. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3061, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2017. Mr. HARKIN (for himself and Mr. SPECTER) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Strike 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 Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act and the National Skill Standards Act of 1994; \$3,070,281,000 plus reimbursements, of which \$1,670,941,000 is available for obligation for the period July 1, 2002 through June 30, 2003; of which \$1,377,965,000 is available for obligation for the period April 1, 2002 through June 30, 2003, including \$1,127,965,000 to carry out chapter 4 of the Workforce Investment Act and \$250,000,000 to carry out section 169 of such Act; and of which \$20,375,000 is available for the period July 1, 2002 through June 30, 2005 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: *Provided*, That \$9,098,000 shall be for carrying out section 172 of the Workforce Investment Act, and \$3,500,000 shall be for carrying out the National Skills Standards Act of 1994: *Provided further*, That funding provided herein for carrying out Dislocated Worker Employment and Training Activities under the Workforce Investment Act shall include \$402,000,000 under section 132(a)(2)(B) of the Act, and \$87,000,000 under section 132(a)(2)(A) of the Act: *Provided further*, That, notwithstanding any other provision of law or related regulation, \$80,770,000 shall be for carrying out section 167 of the Workforce Investment Act, including \$74,751,000 for formula grants, \$5,000,000 for migrant and seasonal housing, and \$1,019,000 for other discretionary purposes: *Provided further*, That funding provided herein under section 166 of the Workforce Investment Act shall include \$1,711,000 for use under section 166(j)(1) of the

Act: *Provided further*, That funds provided to carry out section 171(d) of the Workforce Investment Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That funding appropriated herein for Dislocated Worker Employment and Training Activities under section 132(a)(2)(A) of the Workforce Investment Act may be distributed for Dislocated Worker Projects under section 171(d) of the Act without regard to the 10 percent limitation contained in section 171(d) of the Act: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; \$2,463,000,000 plus reimbursements, of which \$2,363,000,000 is available for obligation for the period October 1, 2002 through June 30, 2003, and of which \$100,000,000 is available for the period October 1, 2002 through June 30, 2005, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: *Provided*, That funding provided herein for carrying out Dislocated Worker Employment and Training Activities under the Workforce Investment Act shall include \$880,800,000 under section 132(a)(2)(B) of the Act, and \$179,200,000 under section 132(a)(2)(A) of the Act.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, \$450,000,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, \$415,650,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, \$191,452,000, together with not to exceed \$3,238,886,000 (including not to exceed \$1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502-504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, shall be available for obligation by the States through December 31, 2002, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2004; and of which \$191,452,000, together with not to exceed \$773,283,000 of the amount which may be

expended from said trust fund, shall be available for obligation for the period July 1, 2002 through June 30, 2003, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2002 is projected by the Department of Labor to exceed 2,622,000, an additional \$28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A-87: *Provided further*, That notwithstanding any other provisions of law, the portion of the funds received by the State of Mississippi in the settlement of litigation with a contractor relating to the acquisition of an automated system for benefit payments under the unemployment compensation program that is attributable to the expenditure of Federal grant funds awarded to the State shall be transferred to the account under this heading and shall be made available by the Department of Labor to the State of Mississippi for obligation by the State through fiscal year 2004 to carry out automation and related activities under the unemployment compensation program.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2003, \$464,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2002, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, \$112,571,000, including \$5,903,000 to administer welfare-to-work grants, together with not to exceed \$48,507,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, \$112,418,000.

PENSION BENEFIT GUARANTY CORPORATION PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2002, for such Corporation: *Provided*, That not to exceed \$11,690,000 shall be available for administrative expenses of the Corporation: *Provided further*, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, \$375,164,000, together with \$1,981,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That \$2,000,000 shall be for the development of an alternative system for the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: *Provided further*, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91-0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS (INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, \$121,000,000 together with such amounts as may be necessary to be charged to the subse-

quent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2001, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2002: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, \$36,696,000 shall be made available to the Secretary as follows: (1) for the operation of and enhancement to the automated data processing systems, including document imaging and conversion to a paperless office, \$24,522,000; (2) for medical bill review and periodic roll management, \$11,474,000; (3) for communications redesign, \$700,000; and (4) the remaining funds shall be paid into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, \$136,000,000, to remain available until expended: *Provided*, That the Secretary of Labor is authorized to transfer to any Executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2002 to carry out those authorities: *Provided further*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

In fiscal year 2002, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d) (1), (2), (4), and (7), of the Internal Revenue Code of 1954, as amended; and interest on advances as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2002 for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5) of that Act: \$31,558,000 for transfer to the Employment Standards Administration, "Salaries and Expenses"; \$22,590,000 for transfer to Departmental Management, "Salaries and Expenses"; \$328,000 for transfer to Departmental Management, "Office of Inspector General"; and \$356,000 for payments into miscellaneous receipts for the expenses of the Department of Treasury.

OCCUPATIONAL SAFETY AND HEALTH
ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, \$450,262,000, including not to exceed \$92,119,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2002, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act;

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, \$256,093,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including up to \$1,000,000 for mine rescue and recovery activities, which shall be available only to the extent that fiscal year 2002 obligations for these activities exceed \$1,000,000; in addition, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to \$1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS
SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, \$396,588,000, together with not to exceed \$69,132,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund; and \$10,280,000 which shall be available for obligation for the period July 1, 2002 through June 30, 2003, for Occupational Employment Statistics.

DEPARTMENTAL MANAGEMENT
SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental bilateral and multilateral foreign technical assistance, and \$37,000,000 for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; \$361,524,000; together with not to exceed \$310,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided*, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in *Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding*, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal

Rules of Appellate Procedure: *Provided further*, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: *Provided further*, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: *Provided further*, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

OFFICE OF DISABILITY EMPLOYMENT POLICY

For necessary expenses of the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, \$43,263,000, of which not to exceed \$2,640,000 shall be for the President's Task Force on the Employment of Adults with Disabilities.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed \$186,903,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100-4110A, 4212, 4214, and 4321-4327, and Public Law 103-353, and which shall be available for obligation by the States through December 31, 2002. To carry out the Stewart B. McKinney Homeless Assistance Act and section 168 of the Workforce Investment Act of 1998, \$26,800,000, of which \$7,800,000 shall be available for obligation for the period July 1, 2002, through June 30, 2003.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$52,182,000, together with not to exceed \$4,951,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

This title may be cited as the "Department of Labor Appropriations Act, 2002".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES
ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E and 1820 of the Social Security

Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, \$5,488,843,000, of which \$10,000,000 shall be available for construction and renovation of health care and other facilities, and of which \$25,000,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided*, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: *Provided further*, That of the funds made available under this heading, \$250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program," authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That no more than \$5,000,000 is available for carrying out the provisions of Public Law 104-73: *Provided further*, That of the funds made available under this heading, \$266,000,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That \$610,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act.

For special projects of regional and national significance under section 501(a)(2) of the Social Security Act, \$30,000,000, which shall become available on October 1, 2002, and shall remain available until September 30, 2003: *Provided*, That such amount shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act: *Provided further*, That such amount shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grants: *Provided further*, That grants shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: *Provided further*, That the funds expended for such

evaluations may not exceed 3.5 percent of such amount.

HEALTH EDUCATION ASSISTANCE LOANS
PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, \$3,792,000.

VACCINE INJURY COMPENSATION PROGRAM
TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed \$2,992,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND
PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act, of 1970, title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, \$4,418,910,000, of which \$250,000,000 shall remain available until expended for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account, of which \$52,000,000 shall remain available until expended for the National Pharmaceutical Stockpile, and of which \$154,527,000 for international HIV/AIDS programs shall remain available until September 30, 2003: *Provided*, That \$126,978,000 shall be available to carry out the National Center for Health Statistics Surveys: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101-502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Congress is to be notified promptly of any such transfer: *Provided further*, That not to exceed \$10,000,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States: *Provided further*, 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 52.232-18.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, \$4,258,516,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, \$2,618,966,000.

NATIONAL INSTITUTE OF DENTAL AND
CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, \$348,767,000.

NATIONAL INSTITUTE OF DIABETES AND
DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, \$1,501,476,000.

NATIONAL INSTITUTE OF NEUROLOGICAL
DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, \$1,352,055,000.

NATIONAL INSTITUTE OF ALLERGY AND
INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, \$2,375,836,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL
SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, \$1,753,465,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND
HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, \$1,123,692,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, \$614,000,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL
HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, \$585,946,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, \$909,174,000.

NATIONAL INSTITUTE OF ARTHRITIS AND
MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, \$460,202,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER
COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, \$349,983,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, \$125,659,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, \$390,761,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, \$902,000,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, \$1,279,383,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, \$440,448,000.

NATIONAL INSTITUTE FOR BIOMEDICAL IMAGING
AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, \$140,000,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, \$1,014,044,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further*, That \$125,000,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR COMPLEMENTARY AND
ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, \$110,000,000.

NATIONAL CENTER ON MINORITY HEALTH AND
HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, \$158,421,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, \$57,874,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, \$281,584,000, of which \$4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2002, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, \$236,408,000: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the National Institutes of Health Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to \$500,000 shall be available to carry out section 499 of the Public Health Service Act: *Provided further*, That, notwithstanding section 499(k)(10) of the Public Health Service Act, funds from the Foundation for the National Institutes of Health may be transferred to the National Institutes of Health.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, in-

cluding the acquisition of real property, \$306,600,000, to remain available until expended, of which \$26,000,000 shall be for the John Edward Porter Neuroscience Research Center and of which \$53,000,000 shall be for the animal vivarium: *Provided*, That notwithstanding any other provision of law, a single contract or related contracts for the development and construction of the first phase of the National Neuroscience Research Center 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 52.232-18.

SUBSTANCE ABUSE AND MENTAL HEALTH
SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH
SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, \$3,073,456,000.

AGENCY FOR HEALTHCARE RESEARCH AND
QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, \$291,245,000, together with amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data, which shall be credited to this appropriation and shall remain available until expended.

CENTER FOR MEDICARE AND MEDICAID
SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, \$106,821,882,000, to remain available until expended.

For making, after May 31, 2002, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2002 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2003, \$46,601,937,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97-248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, \$81,994,200,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed \$2,464,658,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance

with section 353 of the Public Health Service Act, section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That \$18,200,000 appropriated under this heading for the managed care system redesign shall remain available until expended: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2002 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND
LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2002, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT
ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), \$2,447,800,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2003, \$1,100,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV-A of the Social Security Act before the effective date of the program of Temporary Assistance to Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV-A in fiscal year 1997 under this appropriation and under such title IV-A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, \$1,700,000,000.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, \$300,000,000: *Provided*, That these funds are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to the Congress of an official budget request by the

President that includes designation of the entire amount of the request as an emergency requirement as defined in such Act.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-422), \$435,224,000 to remain available through September 30, 2004: *Provided*, That up to \$10,000,000 is available to carry out the Trafficking Victims Protection Act of 2000.

For carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105-320), \$10,000,000.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), \$2,000,000,000 shall be used to supplement, not supplant state general revenue funds for child care assistance for low-income families: *Provided*, That \$19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which \$1,000,000 shall be for the Child Care Aware toll free hotline: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, \$272,672,000 shall be reserved by the States for activities authorized under section 658G, of which \$100,000,000 shall be for activities that improve the quality of infant and toddler child care: *Provided further*, That \$10,000,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, \$1,700,000,000: *Provided*, That notwithstanding paragraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 5.9 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS (INCLUDING RESCISSIONS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95-266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105-89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, the Early Learning Opportunities Act, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103-322; for making payments under the Community Services Block Grant Act, section 473A of the Social Security Act, and title IV of Public Law 105-285, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105-320), sections 40155, 40211, and 40241 of Public Law 103-322, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, and section 126 and titles IV and V

of Public Law 100-485, \$8,592,496,000, of which \$43,000,000, to remain available until September 30, 2003, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670-679) and may be made for adoptions completed in fiscal years 2000 and 2001; of which \$765,304,000 shall be for making payments under the Community Services Block Grant Act; and of which \$6,600,000,000 shall be for making payments under the Head Start Act, of which \$1,400,000,000 shall become available October 1, 2002 and remain available through September 30, 2003: *Provided*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carry-over into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That all eligible entities currently in good standing in the Community Services Block Grant program shall receive an increase in funding proportionate to the increase provided in this Act for the Community Services Block Grant: *Provided further*, That \$105,133,000 shall be for activities authorized by the Runaway and Homeless Youth Act, notwithstanding the allocation requirements of section 388(a) of such Act, of which \$33,000,000 is for Maternity Group Homes: *Provided further*, That \$89,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: *Provided further*, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations.

Funds appropriated for fiscal year 2002 under section 429A(e), part B of title IV of the Social Security Act shall be reduced by \$6,000,000.

Funds appropriated for fiscal year 2002 under section 413(h)(1) of the Social Security Act shall be reduced by \$15,000,000.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 430 of the Social Security Act, \$305,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, \$4,885,200,000.

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, for the first quarter of fiscal year 2003, \$1,754,000,000.

ADMINISTRATION ON AGING AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, \$1,209,756,000, of which \$5,000,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, \$416,361,000, together with \$5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: *Provided*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, \$11,885,000 shall be for activities specified under section 2003(b)(2), of which \$10,157,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: *Provided further*, That of this amount, \$68,700,000 shall be available to support activities to counter potential biological disease, and chemical threats to civilian populations; \$50,000,000 is for minority AIDS prevention and treatment activities; and \$15,000,000 shall be for an Information Technology Security and Innovation Fund for department-wide activities involving cybersecurity, information technology security, and related innovation projects.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, as amended, \$35,786,000: *Provided*, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228, each of which activities is hereby authorized in this and subsequent fiscal years.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, \$28,691,000, together with not to exceed \$3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act and title III of the Public Health Service Act, \$20,500,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed \$37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with

funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103-43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 2 percent, of any amounts appropriated for programs authorized under the PHS Act and other Acts shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an

otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 213. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "1997, 1998, 1999, 2000, and 2001" and inserting "1997, 1998, 1999, 2000, 2001, and 2002"; and

(B) in subsection (e), by striking "October 1, 2001" each place it appears and inserting "October 1, 2002"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "September 30, 2001" and inserting "September 30, 2002".

SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x-26) if such State certifies to the Secretary of Health and Human Services by May 1, 2002 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2002 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2001, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2001 State expenditures and all fiscal year 2002 obligations for tobacco prevention and compliance activities by program activity by July 31, 2002.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2002.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than \$1,000,000.

SEC. 215. (a) In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2002, the Secretary of Health and Human Services is authorized to—

(1) utilize the authorities contained in subsection 2(c) of the State Department Basic Authorities Act of 1956, as amended, and

(2) utilize the authorities contained in 22 U.S.C. sections 291 and 292 and directly or through contract or cooperative agreement to lease, alter or renovate facilities in foreign countries, to carry out programs supported by this appropriation notwithstanding PHS Act section 307.

In exercising the authority set forth in (1) and (2), the Secretary of Health and Human Services shall consult with the Department of State to assure that planned activities are within the legal strictures of the State Department Basic Authorities Act of 1956, as amended, and other applicable parts of U.S.C. Title 22.

SEC. 216. Notwithstanding any other provision of law relating to vacancies in offices for which appointments must be made by the President, including any time limitation on serving in an acting capacity, the Acting Director of the National Institutes of Health as of January 12, 2000, may serve in that position until a new Director of the National Institutes of Health is confirmed by the Senate.

SEC. 217. The following amounts, appropriated in this title, shall be transferred to International Assistance Programs, "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended: from National Institutes of Health, "National Institute of Allergy and Infectious Diseases", \$25,000,000; from National Institutes of Health, "Buildings and Facilities", \$70,000,000; and from Departmental Management, "General Departmental Management", \$5,000,000.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2002".

TITLE III—DEPARTMENT OF EDUCATION
EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 as amended by H.R. 1 as passed by the Senate on June 14, 2001 ("ESEA"); the McKinney-Vento Homeless Assistance Act; and section 418A of the Higher Education Act of 1965, \$11,879,900,000, of which \$4,104,200,000 shall become available on July 1, 2002, and shall remain available through September 30, 2003, and of which \$6,953,300,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002-2003: *Provided*, That \$8,568,000,000 shall be available for basic grants under section 1124: *Provided further*, That up to \$3,500,000 of these funds shall be available to the Secretary of Education on October 1, 2001, to obtain updated educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That \$1,632,000,000 shall be available for concentration grants under section 1124A: *Provided further*, That grant awards under sections 1124 and 1124A of title I of the ESEA shall be not less than the greater of 100 percent of the amount each State and local educational agency received under this authority for fiscal year 2001 or the amount each State and local educational agency would receive if \$8,568,000,000 for basic grants and \$1,632,000,000 for concentration grants were allocated in accordance with section 1122(c)(3) of title I of the Elementary and Secondary Education Act of 1965 as in effect prior to the Senate passage of H.R. 1: *Provided further*, That notwithstanding any other provision of law, grant awards under 1124A of title I of the ESEA shall be made to those local educational agencies that received a concentration grant under the Department of Education Appropriations Act, 2001, but are not eligible to receive such a grant for fiscal year 2002.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, \$1,130,500,000, of which \$954,000,000 shall be for basic support payments under section 8003(b), \$50,000,000 shall be for payments for children with disabilities under section 8003(d), \$68,000,000 shall be for formula grants for construction under section 8007(a), \$50,500,000 shall be for Federal property payments under section 8002, and \$8,000,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by sections 1117A and 1229 and subpart 1 of part F of title I and titles II, IV, V, VI, parts B and C of title VII, and title XI of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001 ("ESEA"); and the Civil Rights Act of 1964; \$8,717,014,000, of which \$1,165,750,000 shall become available on July 1, 2002, and remain available through September 30, 2003, and of which \$1,765,000,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002-2003: *Provided*, That \$28,000,000 shall be for part A of title XIII of the ESEA as in effect prior to Senate passage of H.R. 1 to continue the operation of the current Comprehensive Regional Assistance Centers: *Provided further*, That of the amount made available for subpart 4 of part B of title V of the ESEA, \$925,000,000 shall be available, notwithstanding any other provision of law, to State educational agencies and outlying areas under the terms and conditions set forth in section 305 of this Act for grants for school repair and renovation: *Provided further*, That funds made available to local education agencies under subpart B of part F of title XI shall be used for activities related to the redesign of large high schools: *Provided further*, That of the funds appropriated for part F of title XI, \$10,000,000 shall be available for dropout prevention programs under part H of title I and \$100,000,000 shall be available under part C of title IX to enable the Secretary of Education to award grants to develop, implement, and strengthen programs to teach American history (not social studies) as a separate subject within school curricula.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, \$117,000,000.

BILINGUAL AND IMMIGRANT EDUCATION

For section 3202 of part B and section D of title III of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, \$516,000,000.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, \$8,439,643,000, of which \$3,090,452,000 shall become available for obligation on July 1, 2002, and shall remain available through September 30, 2003, and of which \$5,072,000,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002-2003: *Provided*, That \$9,500,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials: *Provided further*, That

\$1,500,000 shall be for the recipient of funds provided by Public Law 105-78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further*, That the amount for section 611(c) of the Act shall be equal to the amount available for that section under Public Law 106-554, increased by the amount of inflation as specified in section 611(f)(1)(B)(ii) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, \$2,932,617,000, of which \$60,000,000 shall remain available through September 30, 2003: *Provided*, That the funds provided for Title I of the Assistive Technology Act of 1998 (the AT Act) shall be allocated notwithstanding section 105(b)(1) of the AT Act: *Provided further*, That section 101(f) of the AT Act shall not limit the award of an extension grant to three years: *Provided further*, That each State shall be provided a minimum of \$500,000 and each outlying area \$150,000 for activities under section 101 of the AT Act and each State shall be provided a minimum of \$100,000 and each outlying area \$50,000 for activities under section 102 of the AT Act: *Provided further*, That if the funds appropriated for Title I of the AT Act are less than required to fund these minimum allotments, grants provided under sections 101 and 102 of the AT Act shall be the same as their fiscal year 2001 amounts and any amounts in excess of these minimum requirements shall be allocated proportionally to achieve the prescribed minimums: *Provided further*, That \$26,884,000 shall be used to support grants for up to three years to States under title III of the AT Act, of which the Federal share shall not exceed 75 percent in the first year, 50 percent in the second year, and 25 percent in the third year, and that the requirements in section 301(c)(2) and section 302 of that Act shall not apply to such grants.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), \$14,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), \$54,976,000, of which \$5,376,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), \$97,000,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act, the Adult Education and Family Literacy Act, and title VIII-D of the Higher Education Act of 1965, as amended, and Public Law 102-73, \$1,818,060,000, of which \$1,020,060,000 shall become available on July 1, 2002 and shall remain available through September 30, 2003

and of which \$791,000,000 shall become available on October 1, 2002 and shall remain available through September 30, 2003: *Provided*, That of the amounts made available for the Carl D. Perkins Vocational and Technical Education Act, \$7,000,000 shall be for tribally controlled postsecondary vocational and technical institutions under section 117: *Provided further*, That \$10,000,000 shall be for carrying out section 118 of such Act: *Provided further*, That of the amounts made available for the Carl D. Perkins Vocational and Technical Education Act, \$5,000,000 shall be for demonstration activities authorized by section 207: *Provided further*, That of the amount provided for Adult Education State Grants, \$70,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than \$60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, \$9,500,000 shall be for national leadership activities under section 243 and \$6,560,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That \$22,000,000 shall be for Youth Offender Grants, of which \$5,000,000 shall be used in accordance with section 601 of Public Law 102-73 as that section was in effect prior to the enactment of Public Law 105-220: *Provided further*, That of the amounts made available for title I of the Perkins Act, the Secretary may reserve up to 0.54 percent for incentive grants under section 503 of the Workforce Investment Act, without regard to section 111(a)(1)(C) of the Perkins Act: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, the Secretary may reserve up to 1.72 percent for incentive grants under section 503 of the Workforce Investment Act, without regard to section 211(a)(3) of the Adult Education and Family Literacy Act.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, section 428K, part C and part E of title IV of the Higher Education Act of 1965, as amended, \$12,284,100,000, which shall remain available through September 30, 2003.

The maximum Pell Grant for which a student shall be eligible during award year 2002-2003 shall be \$4,000: *Provided*, That notwithstanding section 401(g) of the Act, if the Secretary determines, prior to publication of the payment schedule for such award year, that the amount included within this appropriation for Pell Grant awards in such award year, and any funds available from the fiscal year 2001 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act of 1965, as amended, \$49,636,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965, as amended, title VIII of the Higher Education Amendments of 1998, and the Mutual Educational and Cultural Exchange Act of 1961, \$1,764,223,000, of which \$5,000,000 for interest subsidies authorized by section 121 of the Higher Education Act of 1965, shall remain available until expended: Provided, That \$10,000,000, to remain available through September 30, 2003, shall be available to fund fellowships for academic year 2003-2004 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: Provided further, That \$1,500,000 is for data collection and evaluation activities for programs under the Higher Education Act of 1965, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That \$18,000,000 shall be available for tribally controlled colleges and universities under section 316 of the Higher Education Act of 1965, of which \$6,000,000 shall be used for construction and renovation: Provided further, That the funds provided for title II of the Higher Education Act of 1965 shall be allocated notwithstanding section 210 of the Higher Education Act of 1965: Provided further, That funds for part B of title VII of the Higher Education Act of 1965 may be used, at the discretion of the Secretary of Education, to fund continuation awards under title IV, part A, subpart 8 of such Act.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), \$232,474,000, of which not less than \$3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98-480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, \$762,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed \$357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, \$208,000.

EDUCATION RESEARCH, STATISTICS, AND ASSESSMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994, including part E; the National Education Statistics Act of 1994, including sections 411 and 412; and parts B, D, and E of title XI of the Elementary and Secondary Education Act as amended by H.R. 1 as passed by the Senate on June 14, 2001 (ESEA), \$431,567,000: Provided, That \$53,000,000 of the amount available for the national education research in-

stitutes shall be allocated notwithstanding section 912(m)(1)(B-F) and subparagraphs (B) and (C) of section 931(c)(2) of Public Law 103-227: Provided further, That funds appropriated to support activities conducted under section 411 of the National Education Statistics Act of 1994 may be used to pay for the administration of State assessment: Provided further, That of the funds appropriated under section 11305 of part D of title XI of the ESEA, \$1,500,000 shall be used to conduct a violence prevention demonstration program and \$500,000 to conduct a native American civic education initiative: Provided further, That \$12,000,000 of the funds appropriated under part D of title XI shall be used to support activities conducted under section 11306, consistent with the distribution specified under section 11304(2)(b).

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, \$424,212,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, \$79,934,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, \$38,720,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. (a) From the amount made available for urgent school renovation grants

under the heading "School Improvement Programs" in accordance with this section, the Secretary of Education shall provide grants to the State and outlying area entities responsible for the financing of education facilities (hereinafter in this section referred to as the "State entity"), on the basis of the same percentage as the State educational agency received of the funds allocated to States and outlying areas through the Department of Education Appropriations Act, 2001 for carrying out part A, title I of the Elementary and Secondary Education Act of 1965, for awarding grants in accordance with subsection (b) to local educational agencies to enable them to make urgent repairs and renovations to public school facilities.

(b)(1) A State entity shall award urgent school renovation grants to local educational agencies under this section on a competitive basis that includes consideration of each local educational agency applicant's—

- (A) relative percentage of children from low-income families;
(B) need for school repairs and renovations;
(C) fiscal capacity; and
(D) plans to maintain the facilities repaired or renovated under the grant.

(2) The Federal share of the cost of each project assisted by funds made available under subsection (a)(2) shall be determined based on the percentage of the local educational agency's attendance that is comprised of children 5 to 17 years of age, inclusive, who are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved for the most recent fiscal year for which data satisfactory to the Secretary are available:

Table with 2 columns: 'If the percentage is:' and 'Then the Federal share shall be:'. Rows include percentages from 40% to 10% and greater, with corresponding federal shares from 100% to 60%.

(3) If, after providing an opportunity to the public and all local educational agencies in the State to comment, consistent with any applicable State and local law specifying how the comments may be received and how the comments may be reviewed by any member of the public, the State entity demonstrates that the amount of the State's allocation exceeds the amount needed to address the needs of the local educational agencies in the State for school repair and renovation under this section—

(A) the State entity shall transfer any excess portion of that allocation to the State educational agency; and

(B) the State educational agency shall allocate 100 percent of those excess funds received under subsection (a) in accordance with section 5312 of the Elementary and Secondary Education Act of 1965 as amended by H.R. 1 as passed the Senate on June 14, 2001 for activities authorized under section 5331 of the Elementary and Secondary Education Act of 1965 as amended by H.R. 1 as passed the Senate on June 14, 2001 to be determined by each such local educational agency as part of a local strategy for improving academic achievement.

(c) If a local educational agency uses funds for urgent school renovation, then the following provisions shall apply—

(1) Urgent school renovation shall be limited to one or more of the following—

(A) school facilities modifications necessary to render school facilities accessible

in order to comply with the Americans With Disabilities Act;

(B) school facilities modifications necessary to render school facilities accessible in order to comply with section 504 of the Rehabilitation Act;

(C) asbestos abatement or removal from school facilities;

(D) emergency renovations or repairs to the school facilities only to ensure the health and safety of students and staff; and

(E) security upgrades.

(2) no funds received under this section for urgent school renovation may be used for—

(A) payment of maintenance costs in connection with any projects constructed in whole or part with Federal funds provided under this section; or

(B) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

This title may be cited as the “Department of Education Appropriations Act, 2002”.

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers’ and Airmen’s Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$71,440,000, of which \$9,812,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers’ and Airmen’s Home and the United States Naval Home: *Provided*, That, notwithstanding any other provision of law, a single contract or related contracts for development and construction, to include construction of a long-term care facility at the United States Naval Home, 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 52.232-18 and 252.232-7007, Limitation of Government Obligations.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, \$321,276,000: *Provided*, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2004, \$395,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That in addition to the amounts provided above, \$25,000,000, for costs related to digital program production, development, and distribu-

tion, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171-180, 182-183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. ch. 71), \$40,482,000, including \$1,500,000, to remain available through September 30, 2003, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director’s jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), \$6,939,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES OFFICE OF LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out subtitle B of the Museum and Library Services Act, \$168,078,000, of which \$11,081,000 shall be for projects authorized by section 262 of such Act, notwithstanding section 221(a)(1)(B).

MEDICARE PAYMENT ADVISORY COMMISSION SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, \$8,500,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345, as amended), \$1,495,000.

NATIONAL COUNCIL ON DISABILITY SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, \$2,830,000.

NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, \$2,000,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, \$226,438,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including emergency boards appointed by the President, \$10,635,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), \$8,964,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, \$146,000,000, which shall include amounts becoming available in fiscal year 2002 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds \$146,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, \$150,000, to remain available through September 30, 2003, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, \$97,700,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than \$6,480,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*,

That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: *Provided further*, That funds made available under the heading in this Act, or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, may be used for any audit, investigation, or review of the Medicare program.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 217(g), 228(g), and 1131(b)(2) of the Social Security Act, \$434,400,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, \$332,840,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 2003, \$108,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, \$21,277,412,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

In addition, \$200,000,000, to remain available until September 30, 2003, for payment to the Social Security trust funds for administrative expenses for continuing disability reviews as authorized by section 103 of Public Law 104-121 and section 10203 of Public Law 105-33. The term "continuing disability reviews" means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2003, \$10,790,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed \$35,000 for official reception and representation expenses, not more than \$7,035,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds

referred to therein: *Provided*, That not less than \$1,800,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances at the end of fiscal year 2002 not needed for fiscal year 2002 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the first paragraph, not less than \$200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, \$433,000,000, to remain available until September 30, 2003, for continuing disability reviews as authorized by section 103 of Public Law 104-121 and section 10203 of Public Law 105-33. The term "continuing disability reviews" means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

In addition, \$100,000,000 to be derived from administration fees in excess of \$5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93-66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2002 exceed \$100,000,000, the amounts shall be available in fiscal year 2003 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2001 shall be available to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$19,000,000, together with not to exceed \$56,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in

the United States Institute of Peace Act, \$15,207,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed \$20,000 and \$15,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed \$2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed \$2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

SEC. 506. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or sub-contract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

(c) Subject to the provisions in section 510 (a) and (b), Federal dollars are permitted, at the discretion of the President, solely for the purpose of stem cell research, on embryos that have been created in excess of clinical need and will be discarded, and donated with the written consent of the progenitors.

SEC. 511. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances estab-

lished by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d-2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 514. None of the funds in this Act for the Departments of Labor, Health and Human Services, and Education may be used to make a grant unless the House and Senate Committees on Appropriations are notified not less than three full business days before any discretionary grant awards or cooperative agreement, totaling \$500,000 or more is announced by these departments from any discretionary grant program other than emergency relief programs: *Provided*, That no notification shall involve funds that are not available for obligation.

TITLE VI—EXTENSION OF MARK-TO-MARKET PROGRAM FOR MULTIFAMILY ASSISTED HOUSING

SEC. 601. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Mark-to-Market Extension Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE VI—EXTENSION OF MARK-TO-MARKET PROGRAM FOR MULTIFAMILY ASSISTED HOUSING

Sec. 601. Short title and table of contents.

Sec. 602. Purposes.

Sec. 603. Effective date.

Subtitle A—Multifamily Housing Mortgage and Assistance Restructuring and Section 8 Contract Renewal

Sec. 611. Definitions.

Sec. 612. Mark-to-market program amendments.

Sec. 613. Consistency of rent levels under enhanced voucher assistance and rent restructurings.

Sec. 614. Eligible inclusions for renewal rents of partially assisted buildings.

Sec. 615. Eligibility of restructuring projects for miscellaneous housing insurance.

Sec. 616. Technical corrections.

Subtitle B—Office of Multifamily Housing Assistance Restructuring

Sec. 621. Reauthorization of Office and extension of program.

Sec. 622. Appointment of Director.

Sec. 623. Vacancy in position of Director.

Sec. 624. Oversight by Federal Housing Commissioner.

Sec. 625. Limitation on subsequent employment.

Subtitle C—Miscellaneous Housing Program Amendments

Sec. 631. Extension of CDBG public services cap exception.

Sec. 632. Use of section 8 enhanced vouchers for prepayments.

Sec. 633. Prepayment and refinancing of loans for section 202 supportive housing.

Sec. 634. Technical correction.

SEC. 602. PURPOSES.

The purposes of this title are—

(1) to continue the progress of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (referred to in this section as "that Act");

(2) to ensure that properties that undergo mortgage restructurings pursuant to that Act are rehabilitated to a standard that allows the properties to meet their long-term affordability requirements;

(3) to ensure that, for properties that undergo mortgage restructurings pursuant to that Act, reserves are set at adequate levels to allow the properties to meet their long-term affordability requirements;

(4) to ensure that properties that undergo mortgage restructurings pursuant to that Act are operated efficiently, and that operating expenses are sufficient to ensure the long-term financial and physical integrity of the properties;

(5) to ensure that properties that undergo rent restructurings have adequate resources to maintain the properties in good condition;

(6) to ensure that the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development continues to focus on the portfolio of properties eligible for restructuring under that Act;

(7) to ensure that the Department of Housing and Urban Development carefully tracks the condition of those properties on an ongoing basis;

(8) to ensure that tenant groups, nonprofit organizations, and public entities continue to have the resources for building the capacity of tenant organizations in furtherance of the purposes of subtitle A of that Act; and

(9) to encourage the Office of Multifamily Housing Assistance Restructuring to continue to provide participating administrative entities, including public participating administrative entities, with the flexibility to respond to specific problems that individual cases may present, while ensuring consistent outcomes around the country.

SEC. 603. EFFECTIVE DATE.

Except as provided in sections 616(a)(2), 633(b), and 634(b), this title and the amendments made by this title shall take effect or are deemed to have taken effect, as appropriate, on the earlier of—

(1) the date of the enactment of this title; or

(2) September 30, 2001.

Subtitle A—Multifamily Housing Mortgage and Assistance Restructuring and Section 8 Contract Renewal

SEC. 611. DEFINITIONS.

Section 512 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding at the end the following new paragraph:

"(19) OFFICE.—The term 'Office' means the Office of Multifamily Housing Assistance Restructuring established under section 571."

SEC. 612. MARK-TO-MARKET PROGRAM AMENDMENTS.

(a) FUNDING FOR TENANT AND NONPROFIT PARTICIPATION.—Section 514(f)(3)(A) of the

Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking “Secretary may provide not more than \$10,000,000 annually in funding” and inserting “Secretary shall make available not more than \$10,000,000 annually in funding, which amount shall be in addition to any amounts made available under this subparagraph and carried over from previous years.”; and

(2) by striking “entities), and for tenant services,” and inserting “entities), for tenant services, and for tenant groups, nonprofit organizations, and public entities described in section 517(a)(5).”.

(b) EXCEPTION RENTS.—Section 514(g)(2)(A) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking “restructured mortgages in any fiscal year” and inserting “portfolio restructuring agreements”.

(c) NOTICE TO DISPLACED TENANTS.—Section 516(d) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking “Subject to” and inserting the following:

“(1) NOTICE TO CERTAIN RESIDENTS.—The Office shall notify any tenant that is residing in a project or receiving assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) at the time of rejection under this section, of such rejection, except that the Office may delegate the responsibility to provide notice under this paragraph to the participating administrative entity.

“(2) ASSISTANCE AND MOVING EXPENSES.—Subject to”.

(d) RESTRUCTURING PLANS FOR TRANSFERS OF PREPAYMENT PROJECTS.—The Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) in section 524(e), by adding at the end the following new paragraph:

“(3) MORTGAGE RESTRUCTURING AND RENTAL ASSISTANCE SUFFICIENCY PLANS.—Notwithstanding paragraph (1), the owner of the project may request, and the Secretary may consider, mortgage restructuring and rental assistance sufficiency plans to facilitate sales or transfers of properties under this subtitle, subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 (12 U.S.C. 1715l note) or the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4101 et seq.), which plans shall result in a sale or transfer of those properties.”; and

(2) in the last sentence of section 512(2), by inserting “, but does include a project described in section 524(e)(3)” after “section 524(e)”.

(e) ADDITION OF SIGNIFICANT FEATURES.—Section 517 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking subsection (c) (except that the striking of such subsection may not be construed to have any effect on the provisions of law amended by such subsection, as such subsection was in effect before the date of the enactment of this Act);

(2) in subsection (b)—

(A) in paragraph (7), by striking “(7)” and inserting “(1)”;

(B) by adding at the end the following new paragraph:

“(2) ADDITION OF SIGNIFICANT FEATURES.—

“(A) AUTHORITY.—An approved mortgage restructuring and rental assistance sufficiency plan may require the improvement of the project by the addition of significant features that are not necessary for rehabilitation to the standard provided under paragraph (1), such as air conditioning, an elevator, and additional community space. The Secretary shall establish guidelines regard-

ing the inclusion of requirements regarding such additional significant features under such plans.

“(B) FUNDING.—Significant features added pursuant to an approved mortgage restructuring and rental assistance sufficiency plan may be paid from the funding sources specified in the first sentence of paragraph (1)(A).

“(C) LIMITATION ON OWNER CONTRIBUTION.—An owner of a project may not be required to contribute from non-project resources, toward the cost of any additional significant features required pursuant to this paragraph, more than 25 percent of the amount of any assistance received for the inclusion of such features.

“(D) APPLICABILITY.—This paragraph shall apply to all eligible multifamily housing projects, except projects for which the Secretary and the project owner executed a mortgage restructuring and rental assistance sufficiency plan on or before the date of the enactment of the Mark-to-Market Extension Act of 2001.”; and

(3) by inserting after paragraph (6) of subsection (b) the following:

“(C) REHABILITATION NEEDS AND ADDITION OF SIGNIFICANT FEATURES.—”.

(f) LOOK-BACK PROJECTS.—Section 512(2) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding after the period at the end of the last sentence the following:

“Notwithstanding any other provision of this title, the Secretary may treat a project as an eligible multifamily housing project for purposes of this title if (I) the project is assisted pursuant to a contract for project-based assistance under section 8 of the United States Housing Act of 1937 renewed under section 524 of this Act, (II) the owner consents to such treatment, and (III) the project met the requirements of the first sentence of this paragraph for eligibility as an eligible multifamily housing project before the initial renewal of the contract under section 524.”.

(g) SECOND MORTGAGES.—Section 517(a) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) in paragraph (1)(B), by striking “no more than the” and inserting the following: “not more than the greater of—

“(i) the full or partial payment of claim made under this subtitle; or

“(ii) the”; and

(2) in paragraph (5), by inserting “of the second mortgage, assign the second mortgage to the acquiring organization or agency,” after “terms”.

(h) EXEMPTIONS FROM RESTRUCTURING.—Section 514(h)(2) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by inserting before the semicolon the following: “, or refinanced pursuant to section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note)”.

SEC. 613. CONSISTENCY OF RENT LEVELS UNDER ENHANCED VOUCHER ASSISTANCE AND RENT RESTRUCTURINGS.

Subtitle A of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding at the end the following new section:

“SEC. 525. CONSISTENCY OF RENT LEVELS UNDER ENHANCED VOUCHER ASSISTANCE AND RENT RESTRUCTURINGS.

“(a) IN GENERAL.—The Secretary shall examine the standards and procedures for determining and establishing the rent standards described under subsection (b). Pursuant to such examination, the Secretary shall establish procedures and guidelines that are designed to ensure that the amounts determined by the various rent standards for the

same dwelling units are reasonably consistent and reflect rents for comparable unassisted units in the same area as such dwelling units.

“(b) RENT STANDARDS.—The rent standards described in this subsection are as follows:

“(1) ENHANCED VOUCHERS.—The payment standard for enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

“(2) MARK-TO-MARKET.—The rents derived from comparable properties, for purposes of section 514(g) of this Act.

“(3) CONTRACT RENEWAL.—The comparable market rents for the market area, for purposes of section 524(a)(4) of this Act.”.

SEC. 614. ELIGIBLE INCLUSIONS FOR RENEWAL RENTS OF PARTIALLY ASSISTED BUILDINGS.

Section 524(a)(4)(C) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding after the period at the end the following: “Notwithstanding any other provision of law, the Secretary shall include in such budget-based cost increases costs relating to the project as a whole (including costs incurred with respect to units not covered by the contract for assistance), but only (I) if inclusion of such costs is requested by the owner or purchaser of the project, (II) if inclusion of such costs will permit capital repairs to the project or acquisition of the project by a nonprofit organization, and (III) to the extent that inclusion of such costs (or a portion thereof) complies with the requirement under clause (ii).”.

SEC. 615. ELIGIBILITY OF RESTRUCTURING PROJECTS FOR MISCELLANEOUS HOUSING INSURANCE.

Section 223(a)(7) of the National Housing Act (12 U.S.C. 1715n(a)(7)) is amended—

(1) by striking “under this Act: *Provided*, That the principal” and inserting the following: “under this Act, or an existing mortgage held by the Secretary that is subject to a mortgage restructuring and rental assistance sufficiency plan pursuant to the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note), provided that—

“(A) the principal”;

(2) by striking “except that (A)” and inserting “except that (i)”;

(3) by striking “(B)” and inserting “(ii)”;

(4) by striking “(C)” and inserting “(iii)”;

(5) by striking “(D)” and inserting “(iv)”;

(6) by striking “: *Provided further*, That a mortgage” and inserting the following “; and “(B) a mortgage”;

(7) by striking “or” at the end; and

(8) by adding at the end the following new subparagraph:

“(C) a mortgage that is subject to a mortgage restructuring and rental assistance sufficiency plan pursuant to the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) and is refinanced under this paragraph may have a term of not more than 30 years; or”.

SEC. 616. TECHNICAL CORRECTIONS.

(a) EXEMPTIONS FROM RESTRUCTURING.—

(1) IN GENERAL.—Section 514(h) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended to read as if the amendment made by section 531(c) of Public Law 106-74 (113 Stat. 1116) were made to “Section 514(h)(1)” instead of “Section 514(h)”.

(2) RETROACTIVE EFFECT.—The amendment made by paragraph (1) of this subsection is deemed to have taken effect on the date of the enactment of Public Law 106-74 (113 Stat. 1109).

(b) OTHER.—The Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) in section 511(a)(12), by striking “this Act” and inserting “this title”;

(2) in section 513, by striking “this Act” each place such term appears in subsections (a)(2)(I) and (b)(3) and inserting “this title”;

(3) in section 514(f)(3)(B), by inserting “Housing” after “Multifamily”;

(4) in section 515(c)(1)(B), by inserting “or” after the semicolon;

(5) in section 517(b)—

(A) in each of paragraphs (1) through (6), by capitalizing the first letter of the first word that follows the paragraph heading;

(B) in each of paragraphs (1) through (5), by striking the semicolon at the end and inserting a period; and

(C) in paragraph (6), by striking “; and” at the end and inserting a period;

(6) in section 520(b), by striking “Banking and”;

(7) in section 573(d)(2), by striking “Banking and”.

Subtitle B—Office of Multifamily Housing Assistance Restructuring

SEC. 621. REAUTHORIZATION OF OFFICE AND EXTENSION OF PROGRAM.

Section 579 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

“(a) REPEALS.—

“(1) MARK-TO-MARKET PROGRAM.—Subtitle A (except for section 524) is repealed effective October 1, 2006.

“(2) OMHAR.—Subtitle D (except for this section) is repealed effective October 1, 2004.”;

(2) in subsection (b), by striking “October 1, 2001” and inserting “October 1, 2006”;

(3) in subsection (c), by striking “upon September 30, 2001” and inserting “at the end of September 30, 2004”; and

(4) by striking subsection (d) and inserting the following new subsection:

“(d) TRANSFER OF AUTHORITY.—Effective upon the repeal of subtitle D under subsection (a)(2) of this section, all authority and responsibilities to administer the program under subtitle A are transferred to the Secretary.”.

SEC. 622. APPOINTMENT OF DIRECTOR.

(a) IN GENERAL.—Section 572 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking subsection (a) and inserting the following new subsection:

“(a) APPOINTMENT.—The Office shall be under the management of a Director, who shall be appointed by the President from among individuals who are citizens of the United States and have a demonstrated understanding of financing and mortgage restructuring for affordable multifamily housing.”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to the first Director of the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development appointed after the date of the enactment of this Act, and any such Director appointed thereafter.

SEC. 623. VACANCY IN POSITION OF DIRECTOR.

(a) IN GENERAL.—Section 572 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking subsection (b) and inserting the following new subsection:

“(b) VACANCY.—A vacancy in the position of Director shall be filled by appointment in the manner provided under subsection (a). The President shall make such an appointment not later than 60 days after such position first becomes vacant.”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to any vacancy

in the position of Director of the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development which occurs or exists after the date of the enactment of this Act.

SEC. 624. OVERSIGHT BY FEDERAL HOUSING COMMISSIONER.

(a) IN GENERAL.—Section 578 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended to read as follows:

“SEC. 578. OVERSIGHT BY FEDERAL HOUSING COMMISSIONER.

“All authority and responsibilities assigned under this subtitle to the Secretary shall be carried out through the Assistant Secretary of the Department of Housing and Urban Development who is the Federal Housing Commissioner.”.

(b) REPORT.—The second sentence of section 573(b) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking “Secretary” and inserting “Assistant Secretary of the Department of Housing and Urban Development who is the Federal Housing Commissioner”.

SEC. 625. LIMITATION ON SUBSEQUENT EMPLOYMENT.

Section 576 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking “2-year period” and inserting “1-year period”.

Subtitle C—Miscellaneous Housing Program Amendments

SEC. 631. EXTENSION OF CDBG PUBLIC SERVICES CAP EXCEPTION.

Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended by striking “through 2001” and inserting “through 2003”.

SEC. 632. USE OF SECTION 8 ENHANCED VOUCHERS FOR PREPAYMENTS.

Section 8(t)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(2)) is amended by inserting after “insurance contract for the mortgage for such housing project” the following: “(including any such mortgage prepayment during fiscal year 1996 or a fiscal year thereafter or any insurance contract voluntary termination during fiscal year 1996 or a fiscal year thereafter)”.

SEC. 633. PREPAYMENT AND REFINANCING OF LOANS FOR SECTION 202 SUPPORTIVE HOUSING.

(a) IN GENERAL.—Section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended by striking subsection (e).

(b) EFFECTIVENESS UPON DATE OF ENACTMENT.—The amendment made by subsection (a) of this section shall take effect upon the date of the enactment of this Act and the provisions of section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note), as amended by subsection (a) of this section, shall apply as so amended upon such date of enactment, notwithstanding—

(1) any authority of the Secretary of Housing and Urban Development to issue regulations to implement or carry out the amendments made by subsection (a) of this section or the provisions of section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note); or

(2) any failure of the Secretary of Housing and Urban Development to issue any such regulations authorized.

SEC. 634. TECHNICAL CORRECTION.

(a) IN GENERAL.—Section 101(a) of Public Law 100-77 (42 U.S.C. 11301 note) is amended to read as if the amendment made by section 1 of Public Law 106-400 (114 Stat. 1675) were made to “Section 101” instead of “Section 1”.

(b) RETROACTIVE EFFECT.—The amendment made by subsection (a) of this section is deemed to have taken effect immediately after the enactment of Public Law 106-400 (114 Stat. 1675).

This Act may be cited as the “Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2002”.

SA 2018. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 56, strike lines 5 through 17, and insert the following:

For carrying out programs of financial assistance to federally affected schools authorized by title VI of the Elementary and Secondary Education Act of 1965, as redesignated and amended by H.R. 1 of the 107th Congress, as passed by the House of Representatives on May 23, 2001, \$1,130,500,000, of which \$982,500,000 shall be for basic support payments under section 8003(b), \$50,000,000 shall be for payments for children with disabilities under section 8003(d), \$35,000,000 shall be for construction under section 8007, \$55,000,000 shall be for Federal property payments under section 8002, and \$8,000,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SA 2019. Mr. FEINGOLD (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 44, line 19, insert before the period the following: “: *Provided further*, That of this amount, \$7,500,000 shall be transferred to the Rural Health Outreach Office of the Health Resources and Services Administration so that a total of \$12,500,000 will be available to such Office to improve access to automated external defibrillators in rural communities.”.

SA 2020. Mr. DOMENICI (for himself, Mr. WELLSTONE, Mr. KENNEDY, Mr. REID, Ms. STABENOW, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BYRD, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. FRIST, Mr. GRAHAM, Mr. GRASSLEY, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Ms. MIKULSKI, Mr. MILLER, Mrs. MURRAY, Mr. NELSON of Florida, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Mr. THOMAS, Mr. TORRICELLI, Mr. WARNER, Mr.

WYDEN, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—MENTAL HEALTH EQUITY

SEC. ___01. SHORT TITLE.

This title may be cited as the "Mental Health Equitable Treatment Act of 2001".

SEC. ___02. AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a) is amended to read as follows:

"SEC. 712. MENTAL HEALTH PARITY.

"(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall not impose any treatment limitations or financial requirements with respect to the coverage of benefits for mental illnesses unless comparable treatment limitations or financial requirements are imposed on medical and surgical benefits.

"(b) CONSTRUCTION.—

"(1) IN GENERAL.—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any mental health benefits.

"(2) MEDICAL MANAGEMENT OF MENTAL HEALTH BENEFITS.—Consistent with subsection (a), nothing in this section shall be construed to prevent the medical management of mental health benefits, including through concurrent and retrospective utilization review and utilization management practices, preauthorization, and the application of medical necessity and appropriateness criteria applicable to behavioral health and the contracting and use of a network of participating providers.

"(3) NO REQUIREMENT OF SPECIFIC SERVICES.—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide coverage for specific mental health services, except to the extent that the failure to cover such services would result in a disparity between the coverage of mental health and medical and surgical benefits.

"(c) SMALL EMPLOYER EXEMPTION.—

"(1) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year.

"(2) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection—

"(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

"(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small em-

ployer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

"(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

"(d) SEPARATE APPLICATION TO EACH OPTION OFFERED.—In the case of a group health plan that offers a participant or beneficiary two or more benefit package options under the plan, the requirements of this section shall be applied separately with respect to each such option.

"(e) IN-NETWORK AND OUT-OF-NETWORK RULES.—In the case of a plan or coverage option that provides in-network mental health benefits, out-of-network mental health benefits may be provided using treatment limitations or financial requirements that are not comparable to the limitations and requirements applied to medical and surgical benefits if the plan or coverage provides such in-network mental health benefits in accordance with subsection (a) and provides reasonable access to in-network providers and facilities.

"(f) DEFINITIONS.—For purposes of this section—

"(1) FINANCIAL REQUIREMENTS.—The term 'financial requirements' includes deductibles, coinsurance, co-payments, other cost sharing, and limitations on the total amount that may be paid by a participant or beneficiary with respect to benefits under the plan or health insurance coverage and shall include the application of annual and lifetime limits.

"(2) MEDICAL OR SURGICAL BENEFITS.—The term 'medical or surgical benefits' means benefits with respect to medical or surgical services, as defined under the terms of the plan or coverage (as the case may be), but does not include mental health benefits.

"(3) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services, as defined under the terms and conditions of the plan or coverage (as the case may be), for all categories of mental health conditions listed in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM IV-TR), or the most recent edition if different than the Fourth Edition, if such services are included as part of an authorized treatment plan that is in accordance with standard protocols and such services meet the plan or issuer's medical necessity criteria. Such term does not include benefits with respect to the treatment of substance abuse or chemical dependency.

"(4) TREATMENT LIMITATIONS.—The term 'treatment limitations' means limitations on the frequency of treatment, number of visits or days of coverage, or other similar limits on the duration or scope of treatment under the plan or coverage."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2003 and shall apply with respect to plan years beginning on or after such date.

SEC. ___03. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) IN GENERAL.—Section 2705 of the Public Health Service Act (42 U.S.C. 300gg-5) is amended to read as follows:

"SEC. 2705. MENTAL HEALTH PARITY.

"(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall not impose any treatment limitations or financial requirements with respect to the coverage of benefits for mental ill-

nesses unless comparable treatment limitations or financial requirements are imposed on medical and surgical benefits.

"(b) CONSTRUCTION.—

"(1) IN GENERAL.—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any mental health benefits.

"(2) MEDICAL MANAGEMENT OF MENTAL HEALTH BENEFITS.—Consistent with subsection (a), nothing in this section shall be construed to prevent the medical management of mental health benefits, including through concurrent and retrospective utilization review and utilization management practices, preauthorization, and the application of medical necessity and appropriateness criteria applicable to behavioral health and the contracting and use of a network of participating providers.

"(3) NO REQUIREMENT OF SPECIFIC SERVICES.—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide coverage for specific mental health services, except to the extent that the failure to cover such services would result in a disparity between the coverage of mental health and medical and surgical benefits.

"(c) SMALL EMPLOYER EXEMPTION.—

"(1) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year.

"(2) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection—

"(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

"(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

"(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

"(d) SEPARATE APPLICATION TO EACH OPTION OFFERED.—In the case of a group health plan that offers a participant or beneficiary two or more benefit package options under the plan, the requirements of this section shall be applied separately with respect to each such option.

"(e) IN-NETWORK AND OUT-OF-NETWORK RULES.—In the case of a plan or coverage option that provides in-network mental health benefits, out-of-network mental health benefits may be provided using treatment limitations or financial requirements that are not comparable to the limitations and requirements applied to medical and surgical benefits if the plan or coverage provides such in-network mental health benefits in accordance with subsection (a) and provides reasonable access to in-network providers and facilities.

"(f) DEFINITIONS.—For purposes of this section—

"(1) FINANCIAL REQUIREMENTS.—The term 'financial requirements' includes deductibles, coinsurance, co-payments, other cost sharing, and limitations on the total amount that may be paid by a participant,

beneficiary or enrollee with respect to benefits under the plan or health insurance coverage and shall include the application of annual and lifetime limits.

“(2) MEDICAL OR SURGICAL BENEFITS.—The term ‘medical or surgical benefits’ means benefits with respect to medical or surgical services, as defined under the terms of the plan or coverage (as the case may be), but does not include mental health benefits.

“(3) MENTAL HEALTH BENEFITS.—The term ‘mental health benefits’ means benefits with respect to services, as defined under the terms and conditions of the plan or coverage (as the case may be), for all categories of mental health conditions listed in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM IV-TR), or the most recent edition if different than the Fourth Edition, if such services are included as part of an authorized treatment plan that is in accordance with standard protocols and such services meet the plan or issuer’s medical necessity criteria. Such term does not include benefits with respect to the treatment of substance abuse or chemical dependency.

“(4) TREATMENT LIMITATIONS.—The term ‘treatment limitations’ means limitations on the frequency of treatment, number of visits or days of coverage, or other similar limits on the duration or scope of treatment under the plan or coverage.”

(b) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 1, 2003 and shall apply with respect to plan years beginning on or after such date.

SEC. 04. PREEMPTION.

Nothing in the amendments made by this title shall be construed to preempt any provision of State law, with respect to health insurance coverage offered by a health insurance issuer in connection with a group health plan, that provides protections to enrollees that are greater than the protections provided under such amendments. Nothing in the amendments made by this title shall be construed to affect or modify section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144).

SEC. 05. GENERAL ACCOUNTING OFFICE STUDY.

(a) STUDY.—The Comptroller General shall conduct a study that evaluates the effect of the implementation of the amendments made by this title on the cost of health insurance coverage, access to health insurance coverage (including the availability of in-network providers), the quality of health care, and other issues as determined appropriate by the Comptroller General.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare and submit to the appropriate committees of Congress a report containing the results of the study conducted under subsection (a).

SEC. 06. NO IMPACT ON SOCIAL SECURITY TRUST FUND.

(a) IN GENERAL.—Nothing in this title (or an amendment made by this title) shall be construed to alter or amend the Social Security Act (or any regulation promulgated under that Act).

(b) TRANSFERS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this title has on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury estimates that the enactment of this title has a negative impact on the income and balances of the trust funds established under section

201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of such title.

SA 2021. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 13, insert before the period the following: “: *Provided*, That from amounts made available under this title for the Center for Substance Abuse Treatment (discretionary account), \$16,000,000 shall be used to provide grants to local non-profit private and public entities to enable such entities to develop and expand activities to provide substance abuse services to homeless individuals”.

SA 2022. Mr. BROWBACK submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —BAN ON HUMAN CLONING

SEC. 01. SHORT TITLE.

This title may be cited as the “Human Cloning Prohibition Act of 2001”.

SEC. 02. PROHIBITION ON HUMAN CLONING.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 15, the following:

“CHAPTER 16—HUMAN CLONING

“Sec.

“301. Definitions.

“302. Prohibition on human cloning.

“§ 301. Definitions

“In this chapter:

“(1) HUMAN CLONING.—The term ‘human cloning’ means human asexual reproduction, accomplished by introducing nuclear material from one or more human somatic cells into a fertilized or unfertilized oocyte whose nuclear material has been removed or inactivated so as to produce a living organism (at any stage of development) that is genetically virtually identical to an existing or previously existing human organism.

“(2) ASEQUAL REPRODUCTION.—The term ‘asexual reproduction’ means reproduction not initiated by the union of oocyte and sperm.

“(3) SOMATIC CELL.—The term ‘somatic cell’ means a diploid cell (having a complete set of chromosomes) obtained or derived from a living or deceased human body at any stage of development.

“§ 302. Prohibition on human cloning

“(a) IN GENERAL.—It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce, knowingly—

“(1) to perform or attempt to perform human cloning;

“(2) to participate in an attempt to perform human cloning; or

“(3) to ship or receive for any purpose an embryo produced by human cloning or any product derived from such embryo.

“(b) IMPORTATION.—It shall be unlawful for any person or entity, public or private, knowingly to import for any purpose an embryo produced by human cloning, or any product derived from such embryo.

“(c) PENALTIES.—

“(1) CRIMINAL PENALTY.—Any person or entity that violates this section shall be fined under this title or imprisoned not more than 10 years, or both.

“(2) CIVIL PENALTY.—Any person or entity that violates any provision of this section shall be subject to, in the case of a violation that involves the derivation of a pecuniary gain, a civil penalty of not less than \$1,000,000 and not more than an amount equal to the amount of the gross gain multiplied by 2, if that amount is greater than \$1,000,000.

“(d) SCIENTIFIC RESEARCH.—Nothing in this section restricts areas of scientific research not specifically prohibited by this section, including research in the use of nuclear transfer or other cloning techniques to produce molecules, DNA, cells other than human embryos, tissues, organs, plants, or animals other than humans.”

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 15 the following:

“16. Human Cloning 301”.
SEC. 03. STUDY BY GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL.—The General Accounting Office shall conduct a study to assess the need (if any) for amendment of the prohibition on human cloning, as defined in section 301 of title 18, United States Code, as added by this title, which study should include—

(1) a discussion of new developments in medical technology concerning human cloning and somatic cell nuclear transfer, the need (if any) for somatic cell nuclear transfer to produce medical advances, current public attitudes and prevailing ethical views concerning the use of somatic cell nuclear transfer, and potential legal implications of research in somatic cell nuclear transfer; and

(2) a review of any technological developments that may require that technical changes be made to section 02 of this title.

(b) REPORT.—The General Accounting Office shall transmit to the Congress, within 4 years after the date of enactment of this Act, a report containing the findings and conclusions of its study, together with recommendations for any legislation or administrative actions which it considers appropriate.

SA 2023. Mr. BROWBACK submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 01. PROHIBITION ON THE CREATION OF HUMAN EMBRYOS FOR RESEARCH PURPOSES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 15 the following:

“CHAPTER 16—HUMAN EMBRYO CREATION

“Sec.

“301. Definition.

“302. Prohibition on the creation of human embryos for research purposes.

“§ 301. Definition

“In this chapter the term ‘human embryo’ includes any organism not protected as a human subject under part 46 of title 45, Code of Federal Regulations, as of the date of enactment of this chapter, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

“§ 302. Prohibition on the creation of human embryos for research purposes

“(a) IN GENERAL.—It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce to create a human embryo for research purposes.

“(b) PENALTIES.—

“(1) IN GENERAL.—Any person or entity that is convicted of violating any provision of this section shall be fined under this section or imprisoned not more than 10 years, or both.

“(2) CIVIL PENALTY.—Any person or entity that is convicted of violating any provision of this section shall be subject to, in the case of a violation that involves the derivation of a pecuniary gain, a civil penalty of not less than \$1,000,000 and not more than an amount equal to the amount of the gross gain multiplied by 2, if that amount is greater than \$1,000,000.

“(c) SCIENTIFIC RESEARCH.—Nothing in this section shall restrict areas of scientific research not specifically prohibited by this section.”.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 15 the following:

“16. Human Embryo Creation 311”.

SA 2024. Mr. DORGAN (for himself, Mr. HARKIN, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows: At the end of the bill, insert the following:

TITLE —INFORMATION ON PASSENGERS AND CARGO

SEC. 01. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR AIR CARGO AND PASSENGERS ENTERING THE UNITED STATES.

(a) AIR CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) by striking “(b) PRODUCTION OF MANIFEST.—Any manifest” and inserting the following:

“(b) PRODUCTION OF MANIFEST.—

“(1) IN GENERAL.—Any manifest”;

(B) by indenting the margin of paragraph (1), as so designated, two ems; and

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

“(2) ADDITIONAL INFORMATION.—

“(A) IN GENERAL.—In addition to any other requirement under this section, every air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide by electronic transmission cargo manifest information specified in subparagraph (B) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe. The Secretary may exclude any class of air carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

“(B) INFORMATION REQUIRED.—The information specified in this subparagraph is as follows:

“(i) The port of arrival or departure, whichever is applicable.

“(ii) The carrier code, prefix code, or, both.

“(iii) The flight or trip number.

“(iv) The date of scheduled arrival or date of scheduled departure, whichever is applicable.

“(v) The request for permit to proceed to the destination, if applicable.

“(vi) The numbers and quantities from the master and house air waybill or bills of lading.

“(vii) The first port of lading of the cargo.

“(viii) A description and weight of the cargo.

“(ix) The shippers name and address from all air waybills or bills of lading.

“(x) The consignee name and address from all air waybills or bills of lading.

“(xi) Notice that actual boarded quantities are not equal to air waybill or bills of lading quantities.

“(xii) Transfer or transit information.

“(xiii) Warehouse or other location of the cargo.

“(xiv) Such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

“(3) AVAILABILITY OF INFORMATION.—Information provided under paragraph (2) may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.”.

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon “or subsection (b)(2)”.

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 is amended by inserting after section 431 the following new section:

“SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR AIR CARRIERS.

“(a) IN GENERAL.—For every person arriving or departing on an air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide, by electronic transmission, manifest information specified in subsection (b) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe.

“(b) INFORMATION.—The information specified in this subsection with respect to a person is—

“(1) full name;

“(2) date of birth and citizenship;

“(3) sex;

“(4) passport number and country of issuance;

“(5) United States visa number or resident alien card number, as applicable;

“(6) passenger name record; and

“(7) such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

“(c) AVAILABILITY OF INFORMATION.—Information provided under this section may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.”.

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following new subsection:

“(t) AIR CARRIER.—The term ‘air carrier’ means an air carrier transporting goods or passengers for payment or other consideration, including money or services rendered.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 45 days after the date of enactment of this Act.

SA 2025. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. . . . ELECTION OF ANNUITY FOR A QUALIFIED MAGISTRATE JUDGE.

(a) DEFINITION.—In this section the term “qualified magistrate judge” means any person who—

(1) retired as a magistrate judge before November 15, 1988; and

(2) on the date of filing an election under subsection (b)—

(A) is serving as a recalled magistrate judge on a full-time basis under section 636(h) of title 28, United States Code; and

(B) has completed at least 5 years of full-time recall service.

(b) ELECTION OF ANNUITY.—The Director of the Administrative Office of the United States Courts may accept the election of a qualified magistrate judge to—

(1) receive an annuity under section 377 of title 28, United States Code; and

(2) come within the purview of section 376 of such title.

(c) CREDIT FOR SERVICE.—Full-time recall service performed by a qualified magistrate judge shall be credited for service in calculating an annuity elected under this section.

(d) REGULATIONS.—The Director of the Administrative Office of the United States Courts may promulgate regulations to carry out this section.

SA 2026. Ms. COLLINS (for herself, Mr. CHAFEE, Mr. KERRY, and Mr. WELLSTONE) submitted an amendment intended to be proposed by her to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. SENSE OF THE SENATE.

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

(1) The Low-Income Home Energy Assistance Program (referred to in this section as “LIHEAP”) is the primary Federal program available to help low-income households, the elderly, and individuals with disabilities pay their home energy bills.

(2) Congress provided \$300,000,000 in emergency funding for LIHEAP in the Supplemental Appropriations Act, 2001 because regular appropriations were insufficient to help States offset the increase in high utility bills from November 2000 through February 2001 (referred to in this section as the “winter of 2000”).

(3) Congress directed that half of the emergency funding would be made available for

targeted assistance to States with the most critical needs, and half would be given to help States address unmet energy assistance needs resulting from the extraordinary price increases in home heating fuels and residential natural gas, experienced during the winter of 2000.

(4) In the winter of 2000 there was a 30 percent increase in households receiving LIHEAP assistance in large part due to the high price of home energy and severe weather.

(5) In the winter of 2000, the LIHEAP program was only able to serve 17 percent of the 29,000,000 households eligible for LIHEAP assistance.

(6) In the winter of 2000, heating oil prices were 36 percent higher than from November 1999 through February 2000 (referred to in this section as the "winter of 1999"), and residential natural gas cost 42 percent more per cubic foot than in the winter of 1999 even though the weather was 10 percent colder than the winter of 1999.

(7) In the winter of 2000, record cold weather and high home energy bills took a financial toll on low-income families and the elderly who spend, on average, 19.5 percent of their annual income on energy bills, as compared to 3.7 percent for all other households.

(8) Families in the United States need emergency LIHEAP funding to pay home energy bills from the winter of 2000 and restore heat as the succeeding winter approaches.

(9) More citizens will need LIHEAP assistance in fiscal year 2001 due to the recent increase in unemployment and the slowing economy.

(10) States are being forced to draw down fiscal year 2002 LIHEAP funds in order to address unmet needs from fiscal year 2001 and help low-income households pay overdue home energy bills.

(11) Emergency LIHEAP funding will provide States with critical resources to help provide assistance to residents.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should immediately release the \$300,000,000 in emergency funding for LIHEAP provided by the Supplemental Appropriations Act, 2001.

SA 2027. Mr. GRAHAM (for himself, Mr. BIDEN, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 13, strike "\$3,073,456,000" and insert "\$3,083,456,000: *Provided*, That 10,000,000 shall be made available to carry out subtitle C of title XXXVI of the Children's Health Act of 2000 (and the amendments made by such subtitle)".

On page 54, between lines 15 and 16, insert the following:

SEC. Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on pro rata basis by \$10,000,000, except that nothing in this section shall be construed to apply to amounts made available for the Food and Drug Administration or the Indian Health Service.

SA 2028. Mr. ROCKEFELLER submitted an amendment intended to be

proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 43, line 23, strike "\$305,000,000" and insert "\$375,000,000, except that the amounts appropriated in this Act for administrative expenditures shall be reduced on a pro rata basis by \$70,000,000".

SA 2029. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, between lines 15 and 16, insert the following:

SEC. . It is the sense of the Senate that the Secretary of Health and Human Services should fund and reimburse hospitals and medical facilities in New Jersey that have tested and treated, and continue to test and treat, New Jersey residents that have been determined by the Centers for Disease Control and Prevention as at risk for exposure to anthrax.

SA 2030. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, between lines 15 and 16, insert the following:

SEC. ____ (a) Section 1902(a)(43)(D) of the Social Security Act (42 U.S.C. 1396a(a)(43)(D)) is amended—

(1) in clause (iii), by striking "and" at the end;

(2) in clause (iv), by striking the semicolon and inserting ", and"; and

(3) by adding at the end the following new clause:

"(v) the number of children who are under the age of 3 and enrolled in the State plan under this title and the number of those children who have received a blood lead screening test;"

(b) Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (64), by striking "and" at the end;

(2) in paragraph (65), by striking the period and inserting "; and"; and

(3) by inserting after paragraph (65) the following new paragraph:

"(66) provide that each contract entered into between the State and an entity (including a health insuring organization and a medicare managed care organization) that is responsible for the provision (directly or through arrangements with providers of services) of medical assistance under the State plan shall provide for—

"(A) compliance with mandatory blood lead screening requirements that are consistent with prevailing guidelines of the Centers for Disease Control and Prevention for such screening; and

"(B) coverage of qualified lead treatment services described in section 1905(x) including diagnosis, treatment, and follow-up fur-

nished for children with elevated blood lead levels in accordance with prevailing guidelines of the Centers for Disease Control and Prevention."

(c) Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (a)—

(A) in paragraph (26), by striking "and" at the end;

(B) by redesignating paragraph (27) as paragraph (28); and

(C) by inserting after paragraph (26) the following new paragraph:

"(27) qualified lead treatment services (as defined in subsection (x)); and"; and

(2) by adding at the end the following new subsection:

"(x)(1) In this subsection:

"(A) The term 'qualified lead treatment services' means the following:

"(i) Lead-related medical management, as defined in subparagraph (B).

"(ii) Lead-related case management, as defined in subparagraph (C), for a child described in paragraph (2).

"(iii) Lead-related anticipatory guidance, as defined in subparagraph (D), provided as part of—

"(I) prenatal services;

"(II) early and periodic screening, diagnostic, and treatment services (EPSDT) described in subsection (r) and available under subsection (a)(4)(B) (including as described and available under implementing regulations and guidelines) to individuals enrolled in the State plan under this title who have not attained age 21; and

"(III) routine pediatric preventive services.

"(B) The term 'lead-related medical management' means the provision and coordination of the diagnostic, treatment, and follow-up services provided for a child diagnosed with an elevated blood lead level (EBLL) that includes—

"(i) a clinical assessment, including a physical examination and medically indicated tests (in addition to diagnostic blood lead level tests) and other diagnostic procedures to determine the child's developmental, neurological, nutritional, and hearing status, and the extent, duration, and possible source of the child's exposure to lead;

"(ii) repeat blood lead level tests furnished when medically indicated for purposes of monitoring the blood lead concentrations in the child;

"(iii) pharmaceutical services, including chelation agents and other drugs, vitamins, and minerals prescribed for treatment of an EBLL;

"(iv) medically indicated inpatient services including pediatric intensive care and emergency services;

"(v) medical nutrition therapy when medically indicated by a nutritional assessment, that shall be furnished by a dietitian or other nutrition specialist who is authorized to provide such services under State law;

"(vi) referral—

"(I) when indicated by a nutritional assessment, to the State agency or contractor administering the program of assistance under the special supplemental nutrition program for women, infants and children (WIC) under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) and coordination of clinical management with that program; and

"(II) when indicated by a clinical or developmental assessment, to the State agency responsible for early intervention and special education programs under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); and

"(vii) environmental investigation, as defined in subparagraph (E).

"(C) The term 'lead-related case management' means the coordination, provision, and oversight of the nonmedical services for

a child with an EBLL necessary to achieve reductions in the child's blood lead levels, improve the child's nutrition, and secure needed resources and services to protect the child by a case manager trained to develop and oversee a multi-disciplinary plan for a child with an EBLL or by a childhood lead poisoning prevention program, as defined by the Secretary. Such services include—

“(i) assessing the child's environmental, nutritional, housing, family, and insurance status and identifying the family's immediate needs to reduce lead exposure through an initial home visit;

“(ii) developing a multidisciplinary case management plan of action that addresses the provision and coordination of each of the following items as appropriate—

“(I) determination of whether or not such services are covered under the State plan under this title;

“(II) lead-related medical management of an EBLL (including environmental investigation);

“(III) nutrition services;

“(IV) family lead education;

“(V) housing;

“(VI) early intervention services;

“(VII) social services; and

“(VIII) other services or programs that are indicated by the child's clinical status and environmental, social, educational, housing, and other needs;

“(iii) assisting the child (and the child's family) in gaining access to covered and non-covered services in the case management plan developed under clause (ii);

“(iv) providing technical assistance to the provider that is furnishing lead-related medical management for the child; and

“(v) implementation and coordination of the case management plan developed under clause (ii) through home visits, family lead education, and referrals.

“(D) The term ‘lead-related anticipatory guidance’ means education and information for families of children and pregnant women enrolled in the State plan under this title about prevention of childhood lead poisoning that addresses the following topics:

“(i) The importance of lead screening tests and where and how to obtain such tests.

“(ii) Identifying lead hazards in the home.

“(iii) Specialized cleaning, home maintenance, nutritional, and other measures to minimize the risk of childhood lead poisoning.

“(iv) The rights of families under the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851 et seq.).

“(E) The term ‘environmental investigation’ means the process of determining the source of a child's exposure to lead by an individual that is certified or registered to perform such investigations under State or local law, including the collection and analysis of information and environmental samples from a child's living environment. For purposes of this subparagraph, a child's living environment includes the child's residence or residences, residences of frequently visited caretakers, relatives, and playmates, and the child's day care site. Such investigations shall be conducted in accordance with the standards of the Department of Housing and Urban Development for the evaluation and control of lead-based paint hazards in housing and in compliance with State and local health agency standards for environmental investigation and reporting.

“(2) For purposes of paragraph (1)(A)(ii), a child described in this paragraph is a child who—

“(A) has attained 6 months but has not attained 6 years of age; and

“(B) has been identified as having a blood lead level that equals or exceeds 20 micrograms per deciliter (or after 2 consecu-

tive tests, equals or exceeds 15 micrograms per deciliter, or the applicable number of micrograms designated for such tests under prevailing guidelines of the Centers for Disease Control and Prevention).”.

SA 2031. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, between lines 15 and 16, insert the following:

SEC. . It is the sense of the Senate that States should be authorized to use funds provided under the State children's health insurance program under title XXI of the Social Security Act to—

(1) comply with mandatory blood lead screening requirements that are consistent with prevailing guidelines of the Centers for Disease Control and Prevention for such screening; and

(2) provide coverage of lead treatment services including diagnosis, treatment, and follow-up furnished for children with elevated blood lead levels in accordance with prevailing guidelines of the Centers for Disease Control and Prevention.

SA 2032. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, between lines 15 and 16, insert the following:

SEC. . It is the sense of the Senate that the Secretary of Health and Human Services should establish a program to improve the blood lead screening rates of States for children under the age of 3 enrolled in the Medicaid program under which, using State-specific blood lead screening data, the Secretary would annually pay a State an amount determined as follows:

(1) \$25 per each 2 year-old child enrolled in the Medicaid program in the State who has received the minimum required (for that age) screening blood lead level tests (capillary or venous samples) to determine the presence of elevated blood lead levels, as established by the Centers for Disease Control and Prevention, if the State rate for such screenings exceeds 65 but does not exceed 75 percent of all 2 year-old children in the State.

(2) \$50 per each such child who has received such minimum required tests if the State rate for such screenings exceeds 75 but does not exceed 85 percent of all 2 year-old children in the State.

(3) \$75 per each such child who has received such minimum required tests if the State rate for such screenings exceeds 85 percent of all 2 year-old children in the State.

SA 2033. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 2, insert before the period the following: “: *Provided further*, That \$10,000,000 shall be used to provide adult employment and training activities to assist individuals with disabilities from New York and New Jersey who require vocational rehabilitative services as a result of the September 11, 2001 attack on the World Trade Center in order to permit such individuals to return to work or maintain employment”.

SA 2034. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 2, insert before the period the following: “: *Provided further*, That \$6,400,000 shall be used to provide dislocated worker employment and training assistance under the Workforce Investment Act to airport career centers (to be located with the Port Authority of New York and New Jersey) to enable such centers to provide services to workers in the airline and related industries (including ground transportation and other businesses) who have been dislocated as a result of the September 11, 2001 attack on the World Trade Center”.

SA 2035. Mr. BYRD (for himself and Mr. STEVENS) proposed an amendment to amendment SA 2020 submitted by Mr. DOMENICI and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of the amendment add:

(a) Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217, the provisions of this amendment that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were it included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the chairman of the Senate Budget Committee, as appropriate, under the Congressional Budget Act.

SA 2036. Mr. SMITH of New Hampshire (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1401, to authorize appropriations for the Department of State and for United States international broadcasting activities for fiscal years 2002 and 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. . PAYMENT OF ANTI-TERRORISM JUDGMENTS.

Section 2002(a)(2)(A)(ii) of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386; 114 Stat. 1542), is amended by inserting “June 6, 2000,” after “March 15, 2000.”.

SA 2037. Mr. REID (for Mr. KOHL (for himself and Mr. COCHRAN)) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

H.R. 2330, as passed by the Senate on October 25, 2001, is amended as follows:

On page 13, line 6, strike "\$542,580,000" and insert "\$542,842,000".

On page 13, line 15, strike "\$85,040,000" and insert "\$84,850,000".

On page 13, line 25, strike "\$134,262,000" and insert "\$134,452,000".

On page 15, line 24, strike "\$434,038,000" and insert "\$433,546,000".

On page 39, line 23, after "depression" insert the following: "(P.L. 106-387), with five percent for administration and capacity building in the state rural development offices".

On page 81, line 1, after "sistance" insert "relating".

On page 88, line 3, strike "(e)" and insert "(c)".

On page 89, strike Section 757 on lines 1 through 8 and insert:

"SEC. . In accordance with the Farmland Protection Program, a total of \$720,000 shall be made available to purchase conservation easements or other interests in land, not to exceed 235 acres, in Adair, Green, and Taylor counties, Kentucky: Provided, That \$490,000 of this amount shall be from funds made available to the Conservation Reserve Enhancement Program for the State of Kentucky."

On page 89, after line 8, insert the following:

"SEC. . Notwithstanding any other provision of law, the City of Caldwell, Idaho, shall be eligible for grants and loans administered by the Rural Housing Service of the United States Department of Agriculture for a period not to exceed one year from the date of enactment of this Act."

On page 89, after line 8, insert the following:

"SEC. . Section 8c(1) of the Agricultural Marketing Agreement Act of 1937 is amended by adding the following provision at the end of the penultimate sentence:

"The Secretary is authorized to implement a producer allotment program and a handler withholding program under the cranberry marketing order in the same crop year through informal rulemaking based on a recommendation and supporting economic analysis submitted by the Cranberry Marketing Committee. Such recommendation and analysis shall be submitted by the Committee no later than March 1 of each year."

On page 89, after line 8, insert the following:

"SEC. . Section 11(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(f)) is amended by:

(1) in paragraph (1)(E), by striking '2001' and inserting '2003'; and

(2) in paragraph (2):

(A) by striking subparagraph (A) and inserting the following:

(A) IN GENERAL.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

(i) not later than January 1, 2003, an interim report on the activities of the State agencies receiving grants under this subsection; and

(ii) not later than January 1, 2004, a final report on the activities of the State agencies receiving grants under this subsection.; and

(B) in subparagraph (B), by striking 'report' and inserting 'reports'."

On page 89, after line 8, insert the following:

"SEC. . From the amount appropriated to the Animal and Plant Health Inspection Service, \$300,000 shall be provided for activities regarding West Nile Virus, in cooperation with the University of Illinois."

On page 89, after line 8, insert the following:

"SEC. . Notwithstanding any other provision of law, the City of Mt. Vernon, Washington, shall be eligible for grants and loans administered by the Rural Housing Service of the United States Department of Agriculture for a period not to exceed one year from the date of enactment of this Act."

SA 2038. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 57, line 24, insert before the period the following: "Provided further, That of the funds made available to carry out subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, \$9,000,000 shall be made available to enable the Secretary of Education to award grants to local educational agencies to address the needs of children affected by terrorist attacks, times of war or other major violent or traumatic crises, including providing mental health services to such children, and \$1,000,000 shall be made available to enable the Secretary of Education, in consultation with the Secretary of Health and Human Services, to develop recommendations and models to assist communities in developing evacuation and parental notification plans for schools and other community facilities where children gather."

SA 2039. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 13, before the period insert: "Provided, That of the funds made available to carry out programs of regional and national significance in the Center for Mental Health Services under title V of the Public Health Service Act, \$5,000,000 shall be made available for mental health providers serving public safety workers affected by the terrorist attacks of September 11, 2000".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, October 30, 2002, at 2:30 p.m., on the future of insuring terrorism risks.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS, AND THE SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION AND FEDERAL SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs and the Subcommittee on International Security, Proliferation and Federal Services be authorized to meet on Tuesday, October 30, 2001, at 9:30 a.m., to hold a joint hearing entitled "Terrorism Through the Mail: Protecting Postal Workers and the Public."

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on the Low Income Home Energy Assistance Program during the session of the Senate on Tuesday, October 30, 2001, at 9:30 a.m.

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Madam President, I ask unanimous consent that Lisa Bernhardt of my staff, Sudip Parikh and Emma Ashburn of Senator SPECTER's staff be granted the privilege of the floor for the duration of the consideration of H.R. 3061.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent that privileges of the floor be granted to Kelly O'Brien, a detailee on my staff, during the pendency of H.R. 3061, the Fiscal Year 2002 Departments of Health and Human Services, and Education and Related Agencies Appropriations Act.

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

Mr. KENNEDY. Madam President, I ask unanimous consent that Debra Whitman and Mahdu Chagra, two fellows in my office, be given privileges of the floor during the debate of this amendment.

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

Mr. WELLSTONE. Madam President, I ask unanimous consent that Ellen Gerrity and Cindy Conolly of my staff be allowed floor privileges for the duration of H.R. 3061.

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

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

On October 25, 2001, the Senate amended and passed H.R. 2330, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2330) entitled "An Act making appropriations for Agriculture,

Rural Development, Food and Drug Administration, and Related Agencies programs 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 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed \$75,000 for employment under 5 U.S.C. 3109, \$2,992,000: Provided, That not to exceed \$11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104-127: Provided further, That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104-127.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$5,000 is for employment under 5 U.S.C. 3109, \$7,648,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$25,000 is for employment under 5 U.S.C. 3109, \$12,766,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$5,000 is for employment under 5 U.S.C. 3109, \$6,978,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109, \$10,261,000.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service and Rural Development mission areas for information technology, systems, and services, \$59,369,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915-16 and 40 U.S.C. 1421-28: Provided, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109, \$5,335,000: Provided, That the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded by this Act, \$647,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings, \$187,581,000, to remain available until expended: Provided, That the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation to cover the costs of new or replacement space for such agency, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 et seq., and the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq., \$15,665,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, \$37,079,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), \$3,493,000, to remain available until expended.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, \$3,684,000: Provided, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, \$8,894,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed \$2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, \$70,839,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, including not to exceed \$50,000 for employment under 5 U.S.C. 3109; and including not to exceed \$125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$32,627,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, \$573,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, \$67,200,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621-1627, Public Law 105-113, and other laws, \$113,786,000, of which up to \$25,350,000 shall be available until expended for the Census of Agriculture: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL RESEARCH SERVICE
SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, \$999,438,000: Provided, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$115,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed \$375,000, except for greenhouses or greenhouses which shall each be limited to \$1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed \$750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or \$375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center, including an easement to the University of Maryland to construct the Transgenic Animal Facility which upon completion shall be accepted by the Secretary as a gift: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

In fiscal year 2002, the agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities (including land and facilities at the Beltsville Agricultural Research Center) issued by the agency, as authorized by law, and such fees shall be credited to this account, and shall remain available until expended for authorized purposes.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, \$99,625,000, to remain available until expended (7 U.S.C. 2209b): Provided, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND
EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, \$542,842,000, as follows: to carry out the provisions of the Hatch Act (7 U.S.C. 361a-i), \$180,148,000; for grants for cooperative forestry research (16 U.S.C. 582a-a7), \$21,884,000; for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222), \$34,604,000, of which \$1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than \$1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), \$84,850,000, of which \$500,000 shall be for a grant for Oklahoma State University and its industrial partners to develop chemical and biological sensors, including chemical food safety sensors based on micro-optoelectronic devices and techniques (such as laser diode absorption and cavity-ring-down spectroscopy with active laser illumination), and of which \$500,000 is for the Environmental Biotechnology Initiative at the University of Rhode Island; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), \$14,691,000; for competitive research grants (7 U.S.C. 450i(b)), \$134,452,000; for the support of animal health and disease programs (7 U.S.C. 3195), \$5,098,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), \$898,000; for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977 (7 U.S.C. 3318), \$800,000, to remain available until expended; for the 1994 research program (7 U.S.C. 301 note), \$998,000, to remain available until expended; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), \$2,993,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), \$4,340,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), \$998,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), \$3,492,000; for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (Section 759 of Public Law 106-78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, \$3,000,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(h)), \$1,000,000; for aquaculture grants (7 U.S.C. 3322), \$4,000,000; for sustainable agriculture research and education (7 U.S.C. 5811), \$13,000,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321-326 and 328), including Tuskegee University, \$9,479,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103-382, \$1,549,000; and for necessary expenses of Research and Education Activities, of which not to exceed \$100,000 shall be for employment under 5 U.S.C. 3109, \$20,568,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products: Provided, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT
FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103-382 (7 U.S.C. 301 note), \$7,100,000.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Mi-

cronesia, Northern Marianas, and American Samoa, \$433,546,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93-471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, \$275,940,000, of which \$3,600,000 may be used to carry out Public Law 107-19; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), \$3,273,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$58,566,000; payments for the pest management program under section 3(d) of the Act, \$10,759,000; payments for the farm safety program under section 3(d) of the Act, \$4,700,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University, as authorized by section 1447 of Public Law 95-113 (7 U.S.C. 3222b), \$13,500,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, \$1,000,000; payments for youth-at-risk programs under section 3(d) of the Act, \$8,481,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, \$499,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, \$5,000,000; payments for Indian reservation agents under section 3(d) of the Act, \$1,996,000; payments for sustainable agriculture programs under section 3(d) of the Act, \$4,500,000; payments for rural health and safety education as authorized by section 2390 of Public Law 101-624 (7 U.S.C. 2661 note, 2662), \$2,622,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321-326 and 328) and Tuskegee University, \$31,181,000, of which \$1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than \$1,000,000; and for Federal administration and coordination including administration of the Smith-Lever Act, and the Act of September 29, 1977 (7 U.S.C. 341-349), and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301 note), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, \$11,529,000: Provided, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension competitive grants programs, including necessary administrative expenses, as authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), \$42,350,000, as follows: payments for the water quality program, \$12,971,000; payments for the food safety program, \$14,967,000; payments for the national agriculture pesticide impact assessment program, \$4,531,000; payments for the Food Quality Protection Act risk mitigation program for major food crop systems, \$4,889,000; payments for the crops affected by Food Quality Protection Act implementation, \$1,497,000; payments for the methyl bromide transition program, \$2,495,000; and payments for the organic transition program, \$1,000,000.

OFFICE OF THE UNDER SECRETARY FOR
MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs

under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; \$654,000.

**ANIMAL AND PLANT HEALTH INSPECTION SERVICE
SALARIES AND EXPENSES
(INCLUDING TRANSFERS OF FUNDS)**

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947 (21 U.S.C. 114b-c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Acts of March 2, 1931 (46 Stat. 1468) and December 22, 1987 (101 Stat. 1329-1331) (7 U.S.C. 426-426c); and to protect the environment, as authorized by law, \$602,754,000, of which \$4,096,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which \$79,157,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, and section 102 of the Act of September 21, 1944, and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2002, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Of the total amount available under this heading in fiscal year 2002, \$84,813,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as author-

ized by 7 U.S.C. 428a, \$5,189,000, to remain available until expended.

**AGRICULTURAL MARKETING SERVICE
MARKETING SERVICES**

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed \$90,000 for employment under 5 U.S.C. 3109, \$71,430,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$60,596,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

**FUNDS FOR STRENGTHENING MARKETS, INCOME,
AND SUPPLY (SECTION 32)**

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$13,874,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureau and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,347,000.

**GRAIN INSPECTION, PACKERS AND STOCKYARDS
ADMINISTRATION**

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$25,000 for employment under 5 U.S.C. 3109, \$34,000,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

**LIMITATION ON INSPECTION AND WEIGHING
SERVICES EXPENSES**

Not to exceed \$42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be ex-

ceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

**OFFICE OF THE UNDER SECRETARY FOR FOOD
SAFETY**

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, \$476,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed \$50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$715,747,000, of which no less than \$608,730,000 shall be available for Federal food inspection; and in addition, \$1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102-237: Provided, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$75,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

**OFFICE OF THE UNDER SECRETARY FOR FARM
AND FOREIGN AGRICULTURAL SERVICES**

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, \$606,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, \$939,030,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$1,000,000 shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5101-5106), \$3,993,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of: (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer; or

(2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968 (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, \$100,000, to remain available until expended (7 U.S.C. 2209b): Provided, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of the farmer's willful failure to follow procedures prescribed by the Federal Government: Provided further, That this amount shall be transferred to the Commodity Credit Corporation: Provided further, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

AGRICULTURAL CREDIT INSURANCE FUND
PROGRAM ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$1,146,996,000, of which \$1,000,000,000 shall be for guaranteed loans; operating loans, \$2,616,729,000, of which \$1,500,000,000 shall be for unsubsidized guaranteed loans and \$505,531,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, \$2,000,000; for emergency insured loans, \$25,000,000 to meet the needs resulting from natural disasters; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, \$100,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, \$8,366,000, of which \$4,500,000 shall be for guaranteed loans; operating loans, \$175,780,000, of which \$52,650,000 shall be for unsubsidized guaranteed loans and \$68,550,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, \$118,400; and for emergency insured loans, \$3,362,500 to meet the needs resulting from natural disasters.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$280,595,000, of which \$272,595,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs with the prior approval of the Committees on Appropriations of both Houses of Congress.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933), \$73,752,000: Provided, That not to exceed \$700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, such sums as may be necessary, to remain available until expended (7 U.S.C. 2209b).

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 2002, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For fiscal year 2002, the Commodity Credit Corporation shall not expend more than \$5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, \$730,000.

NATURAL RESOURCES CONSERVATION SERVICE
CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$807,454,000, to remain available until expended (7 U.S.C. 2209b), of which not less than \$8,515,000 is for snow survey and water forecasting, and not less than \$9,849,000 is for operation and establishment of the plant materials centers: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$25,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e–2): Provided further,

That \$5,000,000 shall be available to carry out a pilot program in cooperation with the Fish and Wildlife Service of the Department of the Interior to determine migratory bird harvest, including population monitoring, harvest information, and field operations.

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1009), \$10,960,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$110,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, \$100,413,000, to remain available until expended (7 U.S.C. 2209b) (of which up to \$15,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701 and 16 U.S.C. 1006a)): Provided, That not to exceed \$45,514,000 of this appropriation shall be available for technical assistance: Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$200,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That not to exceed \$1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001 et seq.), as amended by section 313 of Public Law 106–472, November 9, 2000 (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, \$10,000,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), \$48,048,000, to remain available until expended (7 U.S.C. 2209b): Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 shall be available for employment under 5 U.S.C. 3109.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized by the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, \$7,811,000, to remain available until expended, as authorized by that Act.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, \$623,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM
(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E-H, 381N, and 381O of the Consolidated Farm and Rural Development Act, \$1,004,125,000, to remain available until expended, of which \$83,903,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which \$842,254,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act; and of which \$77,968,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: Provided, That of the total amount appropriated in this account, \$24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, of which \$1,000,000 shall be available for rural business opportunity grants under section 306(a)(11) of that Act (7 U.S.C. 1926(a)(11)); \$4,000,000 shall be available for community facilities grants for tribal college improvements under section 306(a)(19) of that Act (7 U.S.C. 1926(a)(19)); \$16,000,000 shall be available for grants for drinking water and waste disposal systems pursuant to section 306C of such Act (7 U.S.C. 1926(c)) to benefit Federally Recognized Native American Tribes that are not eligible to receive funds under any other rural utilities program set-aside under the rural community advancement program; and \$3,000,000 shall be available for rural business enterprise grants under section 310B(c) of that Act (7 U.S.C. 1932(c)), of which \$250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated for rural community programs, \$6,000,000 shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: Provided further, That of the amount appropriated for the rural business and cooperative development programs, not to exceed \$500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; and \$2,000,000 shall be for grants to Mississippi Delta Region counties: Provided further, That of the amount appropriated for rural utilities programs, not to exceed \$20,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico borders, including grants pursuant to section 306C of such Act; not

to exceed \$24,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, with up to one percent available to administer the program and up to one percent available to improve interagency coordination may be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses"; not to exceed \$17,215,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act; and not to exceed \$9,500,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amount appropriated, not to exceed \$37,624,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones, of which \$1,163,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which \$27,431,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which \$9,030,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided further, That of the amount appropriated for rural community programs, not to exceed \$25,000,000 shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (P.L. 106-387), with five percent for administration and capacity building in the State rural development offices: Provided further, That of the amount appropriated \$30,000,000 shall be to provide grants in rural communities with extremely high energy costs: Provided further, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the "Rural Utilities Service, High Energy Costs Grants" account: Provided further, That of the funds appropriated by this Act to the Rural Community Advancement Program for guaranteed business and industry loans, funds may be transferred to direct business and industry loans as deemed necessary by the Secretary and with prior approval of the Committees on Appropriations of both Houses of Congress.

RURAL DEVELOPMENT SALARIES AND EXPENSES
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; \$133,722,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$1,000,000 may be used for employment under 5 U.S.C. 3109: Provided further, That not more than \$10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this account.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM
ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: \$4,233,014,000 for loans to section 502 borrowers, as determined by the Secretary, of which \$3,137,968,000 shall be for un-

subsidized guaranteed loans; \$32,324,000 for section 504 housing repair loans; \$99,770,000 for section 538 guaranteed multi-family housing loans; \$114,068,000 for section 515 rental housing; \$5,090,000 for section 524 site loans; \$11,778,000 for credit sales of acquired property, of which up to \$1,778,000 may be for multi-family credit sales; and \$5,000,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$184,274,000 of which \$40,166,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, \$10,386,000; section 538 multi-family housing guaranteed loans, \$3,921,000; section 515 rental housing, \$48,274,000; section 524 site loans, \$28,000; multi-family credit sales of acquired property, \$750,000; and section 523 self-help housing land development loans, \$254,000: Provided, That of the total amount appropriated in this paragraph, \$11,656,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$422,241,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, \$708,504,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, not more than \$5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed \$10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or renewed during fiscal year 2002 shall be funded for a 5-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$35,000,000, to remain available until expended (7 U.S.C. 2209b): Provided, That of the total amount appropriated, \$1,000,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, \$38,914,000, to remain available until expended: Provided, That of the total amount appropriated, \$1,200,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486,

\$28,431,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS-COOPERATIVE SERVICE
RURAL DEVELOPMENT LOAN FUND PROGRAM
ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, \$16,494,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which \$1,724,000 shall be for Federally Recognized Native American Tribes and of which \$3,449,000 shall be for Mississippi Delta Region counties (as defined by Public Law 100-460): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans of \$38,171,000: Provided further, That of the total amount appropriated, \$2,730,000 shall be available through June 30, 2002, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, \$3,733,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM
ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, \$14,966,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, \$3,616,000.

Of the funds derived from interest on the cushion of credit payments in fiscal year 2002, as authorized by section 313 of the Rural Electrification Act of 1936, \$3,616,000 shall not be obligated and \$3,616,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), \$8,000,000, of which \$2,000,000 shall be available for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed \$1,497,000 of the total amount appropriated shall be made available to cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority.

RURAL EMPOWERMENT ZONES AND ENTERPRISE
COMMUNITIES GRANTS

For grants in connection with a second round of empowerment zones and enterprise communities, \$14,967,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277).

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND
TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, \$121,107,000; 5 percent rural telecommunications loans, \$74,827,000; cost of money rural telecommunications loans, \$300,000,000; municipal rate rural electric loans, \$500,000,000; and loans made pursuant to section 306 of that Act, rural electric,

\$2,700,000,000 and rural telecommunications, \$120,000,000; and \$750,000,000 for Treasury rate direct electric loans.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, \$3,689,000, and the cost of telecommunication loans, \$2,036,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$36,000,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs. During fiscal year 2002 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be \$174,615,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), \$3,737,000.

In addition, for administrative expenses, including audits, necessary to carry out the loan programs, \$3,082,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., \$51,941,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas: Provided, That, \$25,000,000 may be available for the continuation of a pilot project for a loan and grant program to finance broadband transmission and local dial-up Internet service in areas that meet the definition of "rural area" used for the Distance Learning and Telemedicine Program authorized by 7 U.S.C. 950aaa: Provided further, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

LOCAL TELEVISION LOAN GUARANTEE PROGRAM
ACCOUNT

For gross obligations for the principal amount of guaranteed loans, as authorized by Title X of Public Law 106-553 for the purpose of facilitating access to signals of local television stations for households located in non-served areas and underserved areas, \$322,580,000.

For the cost of guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, \$25,000,000.

In addition, for administrative expenses necessary to carry out the guaranteed loan program, \$2,000,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD,
NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, \$587,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; \$10,087,246,000, to remain available through September 30, 2003, of which \$4,746,538,000 is hereby appropriated and \$5,340,708,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the funds made available under this heading, \$500,000 shall be for a School Breakfast Program startup grant pilot program for the State of Wisconsin: Provided further, That up to \$4,507,000 shall be available for independent verification of school food service claims.

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

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$4,247,086,000, to remain available through September 30, 2003: Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the total amount available, the Secretary shall obligate \$20,000,000 for the farmers' market nutrition program within 45 days of the enactment of this Act, and an additional \$5,000,000 for the farmers' market nutrition program upon a determination by the Secretary that funds are available to meet caseload requirements: Provided further, That notwithstanding section 17(h)(10)(A) of such Act, up to \$14,000,000 shall be available for the purposes specified in section 17(h)(10)(B), no less than \$6,000,000 of which shall be used for the development of electronic benefit transfer systems: Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act: Provided further, That once the amount for fiscal year 2001 carryover funds has been determined by the Secretary, any funds in excess of \$110,000,000 may be transferred by the Secretary of Agriculture to the Rural Community Advancement Program and shall remain available until expended.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), \$22,991,986,000, of which \$2,000,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That of the funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)), not to exceed \$3,000,000 shall be used to purchase bison meat for the FDPIR from producer-owned cooperative organizations: Provided further, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: Provided further, That this appropriation shall be subject to any work registration or workfare

requirements as may be required by law: Provided further, That of funds that may be reserved by the Secretary for allocation to State agencies under section 16(h)(1) of such Act to carry out Employment and Training programs, not more than \$145,000,000 made available in previous years may be obligated in fiscal year 2002: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: Provided further, That funds provided under this heading may be used to procure food coupons necessary for program operations in this or subsequent fiscal years until electronic benefit transfer implementation is complete.

COMMODITY ASSISTANCE PROGRAM
(INCLUDING RESCISSION)

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) and the Emergency Food Assistance Act of 1983, \$139,991,000, to remain available through September 30, 2003: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That \$5,300,000 of unobligated balances available at the beginning of fiscal year 2002 are hereby rescinded.

FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973; special assistance for the nuclear affected islands as authorized by section 103(h)(2) of the Compacts of Free Association Act of 1985, as amended; and section 311 of the Older Americans Act of 1965, \$150,749,000, to remain available through September 30, 2003.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, \$127,546,000, of which \$5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law and of which not less than \$6,500,000 shall be available to improve integrity in the Food Stamp and Child Nutrition programs: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE
SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$121,563,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 TITLE I PROGRAM ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, \$130,218,000, to remain available until expended.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83–480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83–480 are utilized, \$2,005,000, of which \$1,033,000 may be transferred to and merged with the appropriation for “Foreign Agricultural Service, Salaries and Expenses”, and of which \$972,000 may be transferred to and merged with the appropriation for “Farm Service Agency, Salaries and Expenses”.

PUBLIC LAW 480 TITLE I OCEAN FREIGHT
DIFFERENTIAL GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years’ costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, \$20,277,000, to remain available until expended, for ocean freight differential costs for the shipment of agricultural commodities under title I of said Act: Provided, That funds made available for the cost of title I agreements and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years’ costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, \$850,000,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act.

COMMODITY CREDIT CORPORATION EXPORT LOANS
PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation’s export guarantee program, GSM 102 and GSM 103, \$4,014,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$3,224,000 may be transferred to and merged with the appropriation for “Foreign Agricultural Service, Salaries and Expenses”, and of which \$790,000 may be transferred to and merged with the appropriation for “Farm Service Agency, Salaries and Expenses”.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary’s certificate, not to exceed \$25,000; \$1,345,386,000, of which not to exceed \$161,716,000 to be derived from prescription drug user fees authorized by 21 U.S.C. 379(h), including any such fees assessed prior to the current

fiscal year but credited during the current year, in accordance with section 736(g)(4), shall be credited to this appropriation and remain available until expended: Provided, That fees derived from applications received during fiscal year 2002 shall be subject to the fiscal year 2002 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) \$311,926,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) \$350,578,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than \$14,207,000 shall be available for grants and contracts awarded under section 5 of the Orphan Drug Act (21 U.S.C. 360ee), and of which not less than \$500,000 shall be available for a generic drug public education campaign; (3) \$155,431,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$81,182,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$178,761,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$36,984,000 shall be for the National Center for Toxicological Research; (7) \$31,798,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration, of which \$6,000,000 for costs related to occupancy of new facilities at White Oak, Maryland shall remain available until September 30, 2003; (8) \$105,116,000 shall be for payments to the General Services Administration for rent and related costs; and (9) \$93,610,000 shall be for other activities, including the Office of the Commissioner; the Office of Management and Systems; the Office of the Senior Associate Commissioner; the Office of International and Constituent Relations; the Office of Policy, Legislation, and Planning; and central services for these offices: Provided further, That \$1,000,000 to the Center for Food Safety and Nutrition to enhance enforcement of requirements under the Dietary Supplement Health and Education Act of 1994 related to the accuracy of product labeling, and the truthfulness and substantiation of claims: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263(b) may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$34,281,000, to remain available until expended (7 U.S.C. 2209b).

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed \$25,000 for employment under 5 U.S.C. 3109, \$70,400,000, including not to exceed \$2,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$36,700,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation)

shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for fiscal year 2002 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 379 passenger motor vehicles, of which 378 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

SEC. 703. Not less than \$1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by sections 1 and 10 of the Act of June 29, 1935 (7 U.S.C. 427, 427i; commonly known as the Bankhead-Jones Act), subtitle A of title II and section 302 of the Act of August 14, 1946 (7 U.S.C. 1621 et seq.), and chapter 63 of title 31, United States Code, shall be available for contracting in accordance with such Acts and chapter.

SEC. 704. The Secretary of Agriculture may transfer unobligated balances of funds appropriated by this Act or other available unobligated balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit fly program, integrated systems acquisition project, boll weevil program, up to 25 percent of the screwworm program, and up to \$2,000,000 for costs associated with collocating regional offices; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education and Economics Information System (REEIS), and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program and up to \$2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed \$50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b; commonly known as the Agricultural Act of 1954).

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar ar-

rangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 710. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 19 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 711. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 712. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 2002 shall remain available until expended to cover obligations made in fiscal year 2002 for the following accounts: the rural development loan fund program account; the Rural Telephone Bank program account; the rural electrification and telecommunications loans program account; the local television loan guarantee program; the Rural Housing Insurance Fund Program Account; and the rural economic development loans program account.

SEC. 713. Notwithstanding chapter 63 of title 31, United States Code, marketing services of the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; and the food safety activities of the Food Safety and Inspection Service may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; or the Food Safety and Inspection Service and a state or cooperator to carry out agricultural marketing programs, to carry out programs to protect the nation's animal and plant resources, or to carry out educational programs or special studies to improve the safety of the nation's food supply.

SEC. 714. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 715. Of the funds made available by this Act, not more than \$1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions,

and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 716. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 717. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 718. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 719. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 720. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture shall notify the Committees on Appropriations of both

Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 721. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred prior to enactment of this Act, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 793 of Public Law 104-127, the Fund for Rural America (7 U.S.C. 2204f).

SEC. 722. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the transfer or obligation of fiscal year 2002 funds under the provisions of section 401 of Public Law 105-185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 723. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out a conservation farm option program, as authorized by section 1240M of the Food Security Act of 1985 (16 U.S.C. 3839bb).

SEC. 724. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

SEC. 725. None of the funds made available to the Food and Drug Administration by this Act shall be used to reduce the Detroit, Michigan, Food and Drug Administration District Office below the operating and full-time equivalent staffing level of July 31, 1999; or to change the Detroit District Office to a station, residence post or similarly modified office; or to reassign residence posts assigned to the Detroit District Office: Provided, That this section shall not apply to Food and Drug Administration field laboratory facilities or operations currently located in Detroit, Michigan, except that field laboratory personnel shall be assigned to locations in the general vicinity of Detroit, Michigan, pursuant to cooperative agreements between the Food and Drug Administration and other laboratory facilities associated with the State of Michigan.

SEC. 726. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2003 appropriations Act.

SEC. 727. None of the funds made available by this Act or any other Act may be used to close or relocate a state Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 728. Of any shipments of commodities made pursuant to section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not more than \$25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of—

(1) agricultural commodities to—

(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities, and

(B) households in the communities, particularly individuals caring for orphaned children; and

(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and microenterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

SEC. 729. In addition to amounts otherwise appropriated or made available by this Act, \$1,996,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships through the Congressional Hunger Center.

SEC. 730. Refunds or rebates received on an on-going basis from a credit card services provider under the Department of Agriculture's charge card programs may be deposited to and retained without fiscal year limitation in the Departmental Working Capital Fund established under 7 U.S.C. 2235 and used to fund management initiatives of general benefit to the Department of Agriculture bureaus and offices as determined by the Secretary of Agriculture or the Secretary's designee.

SEC. 731. Notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f) any balances available to carry out title III of such Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

SEC. 732. Of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to \$5,000,000 for administrative costs associated with the distribution of commodities.

SEC. 733. Notwithstanding any other provision of law, the Secretary may transfer up to \$26,000,000 in funds provided for the Environmental Quality Incentives Program authorized by Chapter 4, Subtitle D, Title XII of the Food Security Act of 1985, for technical assistance to implement the Conservation Reserve Program authorized by subchapter B, Chapter 1, Title XII of the Food Security Act of 1985, with funds to remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary may elect to enroll no more than 340,000 acres for continuous signup, conservation reserve enhancement, or wetland pilot purposes and no acres for regular enrollment into the Conservation Reserve Program authorized by subchapter B, Chapter 1, Title XII of the Food Security Act of 1985, during fiscal year 2002 and any savings derived from such action may be transferred, not to exceed \$18,000,000, for technical assistance to implement the Conservation Reserve Program, with funds to remain available until expended.

SEC. 734. Notwithstanding any other provision of law, the City of St. Joseph, Missouri, shall be eligible for grants and loans administered by the rural development mission area of the Department of Agriculture relating to an application submitted to the Department by a farmer-owned cooperative, a majority of whose members reside in a rural area, as determined by the Secretary, and for the purchase and operation of a facility beneficial to the purpose of the cooperative.

SEC. 735. Section 17(a)(2)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)(2)(B)) is amended by striking "2001" and inserting "2002".

SEC. 736. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance in the amount of \$150,000 to the Mallard Pointe project in Madison County, Mississippi.

SEC. 737. Notwithstanding any other provision of law, the Secretary of Agriculture shall, in co-

operation with the State of Illinois, develop and implement a pilot project utilizing conservation programs of the Department of Agriculture for soil, water, wetlands, and wildlife habitat enhancement in the Illinois River Basin: Provided, That no funds shall be made available to carry out this section unless they are expressly provided for a program in this Act or any other Act for obligation in fiscal year 2002: Provided further, That any conservation reserve program enrollments made pursuant to this section shall be subject to section 734 of this Act.

SEC. 738. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide \$450,000 for a wetlands restoration and water conservation project in the vicinity of Jamestown, Rhode Island.

SEC. 739. Notwithstanding any other provision of law, \$3,000,000 shall be made available from funds under the rural business and cooperative development programs of the Rural Community Advancement Program for a grant for an integrated ethanol plant, feedlot, and animal waste digestion unit, to the extent matching funds from the Department of Energy are provided if a commitment for such matching funds is made prior to July 1, 2002: Provided, That such funds shall be released to the project after the farmer-owned cooperative equity is in place, and a formally executed commitment from a qualified lender based upon receipt of necessary permits, contract, and other appropriate documentation has been secured by the project.

SEC. 740. Hereafter, notwithstanding any other provision of law, the Administrator of the Rural Utilities Service shall use the authorities provided in the Rural Electrification Act of 1936 to finance the acquisition of existing generation, transmission and distribution systems and facilities serving high cost, predominantly rural areas by entities capable of and dedicated to providing or improving service in such areas in an efficient and cost effective manner.

SEC. 741. Notwithstanding subsection (f) of section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272(f)), any assessment imposed under that subsection for marketings of raw cane sugar or beet sugar for the 2002 fiscal year shall not be required to be remitted to the Commodity Credit Corporation before September 2, 2002.

SEC. 742. Notwithstanding any other provision of law, the Secretary of Agriculture, acting through the Natural Resources Conservation Service, shall provide financial assistance from available funds from the Emergency Watershed Protection Program in Arkansas, in an amount not to exceed \$400,000 for completion of the current construction phase of the Kuhn Bayou (Point Remove) Project.

SEC. 743. (a) TEMPORARY USE OF EXISTING PAYMENTS TO STATES TABLE.—Notwithstanding section 101(a)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393; 16 U.S.C. 500 note), for the purpose of making the first fiscal year's payments under section 102 of such Act to eligible States and eligible counties, the full payment amount for each eligible State and eligible county shall be deemed to be equal to the full payment amount calculated for that eligible State or eligible county in the Forest Service document entitled "P.L. 106-393, Secure Rural Schools and Community Self-Determination Act", dated July 31, 2001.

(b) REVISION OF TABLE.—For the purpose of making payments under section 102 of such Act to eligible States and eligible counties of subsequent fiscal years, the Secretary of Agriculture shall provide for the revision of the table referred to in subsection (a) to accurately reflect the average of the three highest 25-percent payments and safety net payments made to eligible States for the fiscal years of the eligibility period, as required by section 101(a)(1) of such Act. If the revisions are not completed by the time payments under section 102 of such Act are due to be made for a subsequent fiscal year, the

table referred to in subsection (a) shall again be used for the purpose of making the payments for that fiscal year. The Forest Service shall provide the Senate Energy and Natural Resources Committee and the House of Representatives Agriculture Committee with a report on the progress of the correction by March 1, 2002.

(c) **ADDITIONAL OPT-OUT OPTION.**—Notwithstanding section 102(b)(2) of Public Law 106-393, if the revision of the table referred to in subsection (a) results in a lower full payment amount to a county that has elected under section 102(a)(2) the full payment amount, then that county may revisit their election under section 102(b)(1).

(d) **DEFINITIONS.**—In this section, the terms “eligible State”, “eligible county”, “eligibility period”, “25-period payment”, and “safety net payments” have the meanings given such terms in section 3 of such Act.

(e) **TREATMENT OF CERTAIN MINERAL LEASING RECEIPTS.**—An eligible county that elects under section 102(b) to receive its share of an eligible State's full payment amount shall continue to receive its share of any payments made to that State from a lease for mineral resources issued by the Secretary of the Interior under the last paragraph under the heading “FOREST SERVICE” in the Act of March 4, 1917 (Chapter 179; 16 U.S.C. 520).

(f) **MINERAL PAYMENTS.**—Section 6(b) of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 355(b)) is amended by inserting after the first sentence, the following new sentence: “The preceding sentence shall also apply to any payment to a State derived from a lease for mineral resources issued by the Secretary of the Interior under the last paragraph under the heading ‘FOREST SERVICE’ in the Act of March 4, 1917 (Chapter 179; 16 U.S.C. 520).”

SEC. 744. **ALASKA PERMANENT FUND.** Section 501(b) of the Housing Act of 1949 (42 U.S.C. 1471) is amended in paragraph (5)—

(1) by striking “(5)” and inserting “(5)(A)”; and

(2) by adding at the end the following:

“(B) For purposes of this title, for fiscal years 2002 and 2003, the term ‘income’ does not include dividends received from the Alaska Permanent Fund by a person who was under the age of 18 years when that person qualified for the dividend.”

SEC. 745. Hereafter, any provision of any Act of Congress relating to colleges and universities eligible to receive funds under the Act of August 30, 1890, including Tuskegee University, shall apply to West Virginia State College at Institute, West Virginia: Provided, That the Secretary may waive the matching funds' requirement under section 1449 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222d) for fiscal year 2002 for West Virginia State College if the Secretary determines the State of West Virginia will be unlikely to satisfy the matching requirement.

SEC. 746. Notwithstanding any other provision of law, the Secretary, acting through the Natural Resources Conservation Service, shall provide financial and technical assistance relating to the Tanana River bordering the Big Delta State Historical Park.

SEC. 747. None of the funds appropriated or otherwise made available by this Act to the Food and Drug Administration shall be used to allow admission of fish or fish products labeled wholly or in part as “catfish” unless the products are taxonomically from the family Ictaluridae.

SEC. 748. The Secretary of Agriculture is authorized to accept any unused funds transferred to the Alaska Railroad Corporation for avalanche control and retransfer up to \$499,000 of such funds as a direct lump sum payment to the City of Valdez to construct an avalanche control wall to protect a public school.

SEC. 749. Of funds previously appropriated to the Bureau of Land Management under the heading “Wildland Fire Management”, up to

\$5,000,000 is transferred to the Department of Agriculture, Farm Service Agency, for reimbursement for crop damage resulting from the Bureau's use of herbicides in the State of Idaho: Provided, That nothing in this section shall be construed to constitute an admission of liability in any subsequent litigation with respect to the Bureau's use of such herbicides.

SEC. 750. **PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.** (a) **IN GENERAL.**—Section 1231(h)(4)(B) of the Food Security Act of 1985 (16 U.S.C. 3831(h)(4)(B)) is amended by inserting “(which may include emerging vegetation in water)” after “vegetative cover”.

(b) **CONFORMING AMENDMENT.**—Section 1232(a)(4) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(4)) is amended by inserting “(which may include emerging vegetation in water)” after “vegetative cover”.

SEC. 751. **SPECIALTY CROPS.** (a) **GRADING OF PRICE-SUPPORT TOBACCO.**—

(1) **IN GENERAL.**—Not later than March 31, 2002, the Secretary of Agriculture (referred to in this section as the “Secretary”) shall conduct a referendum among producers of each kind of tobacco that is eligible for price support under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) to determine whether the producers favor the mandatory grading of the tobacco by the Secretary.

(2) **MANDATORY GRADING.**—If the Secretary determines that mandatory grading of each kind of tobacco described in paragraph (1) is favored by a majority of the producers voting in the referendum, effective for the 2002 and subsequent marketing years, the Secretary shall ensure that all kinds of the tobacco are graded at the time of sale.

(3) **JUDICIAL REVIEW.**—A determination by the Secretary under this subsection shall not be subject to judicial review.

(b) **QUOTA REDUCTION FOR CONSERVATION RESERVE ACREAGE.**—

(1) **IN GENERAL.**—Section 1236 of the Food Security Act of 1985 (16 U.S.C. 3836) is amended—

(A) by striking subsection (a);

(B) by redesignating subsections (b), (c), and

(d) as subsections (a), (b), and (c), respectively;

(C) in subsection (b) (as so redesignated), by striking “subsection (b)” and inserting “subsection (a)”; and

(D) in subsection (c) (as so redesignated), by striking “subsection (c)” and inserting “subsection (b)”.

(2) **CONFORMING AMENDMENT.**—Section 1232(a)(5) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(5)) is amended by striking “section 1236(d)” and inserting “section 1236(c)”.

(3) **APPLICATION.**—The amendments made by this subsection shall apply beginning with the 2002 crop.

(c) **HORSE BREEDER LOANS.**—

(1) **DEFINITION OF HORSE BREEDER.**—In this subsection, the term “horse breeder” means a person that, as of the date of enactment of this Act, derives more than 70 percent of the income of the person from the business of breeding, boarding, raising, training, or selling horses, during the shorter of—

(A) the 5-year period ending on January 1, 2001; or

(B) the period the person has been engaged in such business.

(2) **LOAN AUTHORIZATION.**—The Secretary shall make loans to eligible horse breeders to assist the horse breeders for losses suffered as a result of mare reproductive loss syndrome.

(3) **ELIGIBILITY.**—A horse breeder shall be eligible for a loan under this subsection if the Secretary determines that, as a result of mare reproductive loss syndrome—

(A) during the period beginning January 1 and ending October 1 of any of calendar years 2000, 2001, or 2002—

(i) 30 percent or more of the mares owned by the horse breeder failed to conceive, miscarried, aborted, or otherwise failed to produce a live healthy foal; or

(ii) 30 percent or more of the mares boarded on a farm owned, operated, or leased by the horse breeder failed to conceive, miscarried, aborted, or otherwise failed to produce a live healthy foal;

(B) the horse breeder is unable to meet the financial obligations, or pay the ordinary and necessary expenses, of the horse breeder incurred in connection with breeding, boarding, raising, training, or selling horses; and

(C) the horse breeder is not able to obtain sufficient credit elsewhere, in accordance with subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

(4) **AMOUNT.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the amount of a loan made to a horse breeder under this subsection shall be determined by the Secretary on the basis of the amount of losses suffered by the horse breeder, and the financial needs of the horse breeder, as a result of mare reproductive loss syndrome.

(B) **MAXIMUM AMOUNT.**—The amount of a loan made to a horse breeder under this subsection shall not exceed the maximum amount of an emergency loan under section 324(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(a)).

(5) **TERM.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the term for repayment of a loan made to a horse breeder under this subsection shall be determined by the Secretary based on the ability of the horse breeder to repay the loan.

(B) **MAXIMUM TERM.**—The term of a loan made to a horse breeder under this subsection shall not exceed 20 years.

(6) **INTEREST RATE.**—The interest rate for a loan made to a horse breeder under this subsection shall be the interest rate for emergency loans prescribed under section 324(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(b)(1)).

(7) **SECURITY.**—A loan to a horse breeder under this subsection shall be made on the security required for emergency loans under section 324(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(d)).

(8) **APPLICATION.**—To be eligible to obtain a loan under this subsection, a horse breeder shall submit an application for the loan to the Secretary not later than September 30, 2002.

(9) **FUNDING.**—The Secretary shall carry out this subsection using funds made available to make emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

(10) **TERMINATION.**—The authority provided by this subsection to make a loan terminates effective September 30, 2003.

SEC. 752. During fiscal year 2002, subsection (a)(2) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) shall be applied as though the term “and potatoes” read as follows: “, potatoes, and sweet potatoes”.

SEC. 753. Within 30 days of the date of enactment of this Act, the Secretary of Agriculture shall submit a reprogramming request to the House and Senate Appropriations Committees to address the \$21,700,000 in tornado damages incurred at the Henry A. Wallace Beltsville Agricultural Research Center.

SEC. 754. **CITRUS CANKER ERADICATION.** (a) **IN GENERAL.**—Section 810 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (114 Stat. 1549A-52) is amended—

(1) in subsection (a) by striking “The” and inserting “Subject to subsection (e), the”; and

(2) in subsection (c), by striking “2001” and inserting “2002”.

(b) **EFFECTIVE DATE.**—The amendments in subsection (a) shall take effect as if enacted on September 30, 2001.

SEC. 755. From the amount appropriated to the Animal and Plant Health Inspection Service, \$300,000 shall be provided to monitor and prevent Mare Reproductive Loss Syndrome in cooperation with the University of Kentucky.

SEC. 756. Section 306(a)(20) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(20)) is amended by adding at the end the following new subparagraph:

“(D) RURAL BROADBAND.—The Secretary may make grants to regulatory commissions in States with communities without dial-up internet access to establish a competitively neutral grant program to telecommunications carriers that establish facilities and services which, in the commission’s determination, will result in the long-term availability to rural communities in such States of affordable broadband telecommunications services which can be used for the provision of high speed internet access.”

SEC. 757. In accordance with the Farmland Protection Program, a total of \$720,000 shall be made available to purchase conservation easements or other interests in land, not to exceed 235 acres, in Adair, Green, and Taylor Counties, Kentucky: Provided, That \$490,000 of this amount shall be from funds made available to the Conservation Reserve Enhancement Program for the State of Kentucky.

SEC. 758. Notwithstanding any other provision of law, the City of Caldwell, Idaho, shall be eligible for grants and loans administered by the Rural Housing Service of the United States Department of Agriculture for a period not to exceed one year from the date of enactment of this Act.

SEC. 759. Section 8c(1) of the Agricultural Marketing Agreement Act of 1937 is amended by adding the following provision at the end of the penultimate sentence:

“The Secretary is authorized to implement a producer allotment program and a handler withholding program under the cranberry marketing order in the same crop year through informal rulemaking based on a recommendation and supporting economic analysis submitted by the Cranberry Marketing Committee. Such recommendation and analysis shall be submitted by the Committee no later than March 1 of each year.”

SEC. 760. Section 11(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(f)) is amended by—

(1) in paragraph (1)(E), by striking “2001” and inserting “2003”; and

(2) in paragraph (2)—

(A) by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

“(i) not later than January 1, 2003, an interim report on the activities of the State agencies receiving grants under this subsection; and

“(ii) not later than January 1, 2004, a final report on the activities of the State agencies receiving grants under this subsection.”; and

(B) in subparagraph (B), by striking “report” and inserting “reports”.

SEC. 761. From the amount appropriated to the Animal and Plant Health Inspection Service, \$300,000 shall be provided for activities regarding West Nile Virus, in cooperation with the University of Illinois.

SEC. 762. Notwithstanding any other provision of law, the City of Mt. Vernon, Washington, shall be eligible for grants and loans administered by the Rural Housing Service of the United States Department of Agriculture for a period not to exceed one year from the date of enactment of this Act.

This Act may be cited as the “Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002”.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 490 through 503; that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements thereon be printed in the RECORD, the President be immediately notified of the Senate’s action, and the Senate return to legislative session.

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

The nominations considered and confirmed are as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Kent R. Hill, of Massachusetts, to be an Assistant Administrator of the United States Agency for International Development.

J. Edward Fox, of Ohio, to be an Assistant Administrator of the United States Agency for International Development.

E. Anne Peterson, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

DEPARTMENT OF STATE

John F. Turner, of Wyoming, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

Joseph M. DeThomas, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Estonia.

Brian E. Carlson, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Latvia.

John N. Palmer, of Mississippi, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Portugal.

John Malcolm Ordway, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Armenia.

Bonnie McElveen-Hunter, of North Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Finland.

Robert V. Royall, of South Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

Margaret K. McMillion, of the District of Columbia, Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Rwanda.

Wanda L. Nesbitt, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Madagascar.

Clifford M. Sobel, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

Cameron R. Hume, of New York, a Career Member of the Senior Foreign Service, Class

of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

PASSAGE OF S. 1510 VITIATED AND INDEFINITELY POSTPONED

Mr. REID. Madam President, I ask unanimous consent that Senate passage of S. 1510 be vitiated and that the measure then be indefinitely postponed.

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

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Resumed

Mr. REID. Madam President, I ask unanimous consent that the Kohl amendment, which is at the desk, to H.R. 2330, be in order, notwithstanding passage of the bill, and that the amendment be considered and agreed to, and the motion to reconsider be laid upon the table.

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

The amendment (No. 2037) was agreed to, as follows:

AMENDMENT NO. 2037

(Purpose: to amend H.R. 2330)

H.R. 2330, as passed by the Senate on October 25, 2001, is amended as follows:

On page 13, line 6, strike “\$542,580,000” and insert “\$542,842,000”.

On page 13, line 15, strike “\$84,040,000” and insert “\$84,850,000”.

On page 13, line 25, strike “\$134,262,000” and insert “\$134,452,000”.

On page 15, line 24, strike “\$434,038,000” and insert “\$433,546,000”.

On page 39, line 23, after “depression” insert the following: “(P.L. 106-387), with five percent for administration and capacity building in the state rural development offices”.

On page 81, line 1, after “sistance” insert “relating”.

On page 88, line 3, strike “(e)” and insert “(c)”.

On page 89, strike Section 757 on line 1 through 8 and insert:

“SEC. . In accordance with the Farmland Protection Program, a total of \$720,000 shall be made available to purchase conservation easements or other interests in land, not to exceed 235 acres, in Adair, Green, and Taylor counties, Kentucky: Provided, That \$490,000 of this amount shall be from funds made available to the Conservation Reserve Enhancement Program for the State of Kentucky.”

On page 89, after line 8, insert the following:

“SEC. . Notwithstanding any other provision of law, the City of Caldwell, Idaho, shall be eligible for grants and loans administered by the Rural Housing Service of the United States Department of Agriculture for a period not to exceed one year from the date of enactment of this Act.”

On page 89, after line 8, insert the following:

"SEC. . Section 8c(1) of the Agricultural Marketing Agreement Act of 1937 is amended by adding the following provision at the end of the penultimate sentence:

'The Secretary is authorized to implement a producer allotment program and a handler withholding program under the cranberry marketing order in the same crop year through informal rulemaking based on a recommendation and supporting economic analysis submitted by the Cranberry Marketing Committee. Such recommendation and analysis shall be submitted by the Committee no later than March 1 of each year.'"

On page 89, after line 8, insert the following:

"SEC. . Section 11(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(f)) is amended by:

(1) in paragraph (1)(E), by striking '2001' and inserting '2003'; and

(2) in paragraph (2):

(A) by striking subparagraph (A) and inserting the following:

'(A) IN GENERAL.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

'(i) not later than January 1, 2003, an interim report on the activities of the State agencies receiving grants under this subsection; and

'(ii) not later than January 1, 2004, a final report on the activities of the State agencies receiving grants under this subsection.'; and

(B) in subparagraph (B), by striking 'report' and inserting 'reports'."

On page 89, after line 8, insert the following:

"SEC. . From the amount appropriated to the Animal and Plant Health Inspection Service, \$300,000 shall be provided for activities regarding West Nile Virus, in cooperation with the University of Illinois."

On page 89, after line 8, insert the following:

"SEC. . Notwithstanding any other provision of law, the City of Mt. Vernon, Washington, shall be eligible for grants and loans administered by the Rural Housing Service of the United States Department of Agriculture for a period not to exceed one year from the date of enactment of this Act."

AMENDING THE RECLAMATION RECREATION MANAGEMENT ACT OF 1992

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2925, just received from the House, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2925) to amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, with the above occurring with no intervening action or debate.

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

The bill (H.R. 2925) was read the third time and passed.

ORDERS FOR WEDNESDAY, OCTOBER 31, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Wednesday, October 31; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period for the transaction of morning business until 10:30 a.m., with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator STEVENS, 20 minutes; Senator REID of Nevada or designee, 10 minutes; and further, at 10:30 a.m., the Senate resume consideration of the Labor-HHS Appropriations Act.

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

PROGRAM

Mr. REID. Madam President, the Senate, even though we had a number of matters that took a lot of time on and off the floor, did make progress. We have a finite list of amendments that has now been placed in the RECORD. We have paper to work from, in effect. Beginning tomorrow, at 10:30, we are going to start working our way through these amendments. It would be possible to complete the bill by tomorrow evening or maybe late afternoon. But regardless of when we are going to complete it, we are going to complete it, and it is going to be done at the earliest possible date.

All Senators should understand that there could be some late nights the next couple of nights. The majority leader has told me I should relay this to all Senators: that if we are going to complete the business we have prior to the Thanksgiving recess, which I think is the 16th—I am not sure of that date—we have a lot of work to do. We have this appropriations bill to do, and two others, one of which is a very big Defense appropriations bill. We have bioterrorism. We have a stimulus package. We have a number of bills that are going to take some time. So everyone should understand there could be some votes into the evening.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:29 p.m., adjourned until Wednesday, October 31, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 30, 2001:

DEPARTMENT OF DEFENSE

R. L. BROWNLEE, OF VIRGINIA, TO BE UNDER SECRETARY OF THE ARMY, VICE GREGORY ROBERT DAHLBERG, RESIGNED.
PETER B. TEETS, OF MARYLAND, TO BE UNDER SECRETARY OF THE AIR FORCE, VICE CAROL DIBATTISTE.

DEPARTMENT OF STATE

CHRISTOPHER BANCROFT BURNHAM, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF STATE (RESOURCE MANAGEMENT). (NEW POSITION)

DARRYL NORMAN JOHNSON, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THAILAND.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be commander

DREW A RAMBO, 0000
JOHN L STURTZ, 0000
STEPHEN G NURRE, 0000
STEVEN G WOOD, 0000
JUNE E RYAN, 0000
SCOTT E WILLIAMS, 0000
DEAN C BRUCKNER, 0000
TODD P SEAMAN, 0000
GEORGE E BUTLER, 0000
BRYAN R EMBOD, 0000
STEPHEN S SCARDEFIELD, 0000
KEITH J TURKO, 0000
ADOLPH L KEYES, 0000
MARK R DIX, 0000
WESLEY S TRULL, 0000
CARL B HANSEN, 0000
LINN M CAPPER, 0000
JOHN R CAPLIS, 0000
MICHAEL R HICKS, 0000
ROBERT S BURCHELL, 0000
WAYNE P BROWN, 0000
ROBERT J KLAPPROTH, 0000
ARLYN R MADSEN JR., 0000
DAVID W LUNT, 0000
DOUGLAS C LOWE, 0000
THOMAS M MIELE, 0000
MATTHEW T BELL JR., 0000
DUANE R SMITH, 0000
MARC D STEGMAN, 0000
WILLIAM G HISHON, 0000
WYMAN W BRIGGS, 0000
BENJAMIN A EVANS, 0000
THOMAS C HASTINGS JR., 0000
JOHN M SHOUEY, 0000
WILLIAM H OLIVER II, 0000
DONALD A LACHANCE II, 0000
MARK E MATTA, 0000
RICHARD C JOHNSON, 0000
JAMES O FITTON, 0000
SALVATORE G PALMERI JR., 0000
MARK D RIZZO, 0000
SPENCER L WOOD, 0000
ERIC A GUSTAFSON, 0000
CHRISTOPHER A AUSTIN, 0000
RICHARD R JACKSON JR., 0000
ROBERT P MONARCH, 0000
PAUL D LANGE, 0000
EDWARD J HANSEN JR., 0000
DONALD J MARINELLO, 0000
PAUL E FRANKLIN, 0000
STEVEN A SEIBELLING, 0000
DENNIS D DICKSON, 0000
HENRY M HUDSON JR., 0000
JEFFREY W JESSEE, 0000
RICHARD A PAGLIALONGA, 0000
JOHN K LITTLE, 0000
JAMES E HAWTHORNE JR., 0000
SAMUEL W WALKER VII, 0000
GORDON A LOEBL, 0000
ROBERT J HENNESSY, 0000
GARY T CROOT, 0000
THOMAS E CRABBS, 0000
SAMUEL L HART, 0000
SAMUEL D STILLKE, 0000
JOHN S KENYON, 0000
THOMAS H FARRIS JR., 0000
JOHN D GALLAGHER, 0000
CHRISTOPHER B ADAIR, 0000
GREGORY W JOHNSON, 0000
ERIC C JONES, 0000
GREGORY P HITCHEN, 0000
MELVIN W BOUBOULIS, 0000
MELISSA BERT, 0000
ANITA K ABBOTT, 0000
RAYMOND W PULVER, 0000
VERNE B GIFFORD, 0000
STUART M MERRILL, 0000
SCOTT N DECKER, 0000
PETER W GAUTHER, 0000
KEVIN E LUNDAY, 0000
MATTHEW T RUCKERT, 0000
BRIAN R BEZIO, 0000
CHRISTOPHER M SMITH, 0000
ANTHONY J VOGT, 0000
JOANNA M NUNAN, 0000

JOSEPH SEGALLA, 0000
 GWEN L KEENAN, 0000
 PATRICK P OSHAUGHNESSY, 0000
 ANTHONY POPIEL, 0000
 GRAHAM S STOWE, 0000
 CHRISTOPHER P CALHOUN, 0000
 JAMES M CASH, 0000
 KYLE G ANDERSON, 0000
 DWIGHT T MATHERS, 0000
 JONATHAN P MILKEY, 0000
 MATTHEW J SZIGETY, 0000
 ROBERT J TARANTINO, 0000
 JOHN E HARDING, 0000
 ANDREW P KIMOS, 0000
 CRAIG S SWIRBLISS, 0000
 JOHN T DAVIS, 0000
 JOHN J ARENSTAM, 0000
 ANTHONY R GENTILELLA, 0000
 JOHN M FITZGERALD, 0000
 RAMONCITO R MARIANO, 0000
 DAVID R BIRD, 0000
 LEIGH A ARCHBOLD, 0000
 JERRY D DOHERTY, 0000
 WILLIAM G KELLY, 0000
 JOHN L BRAGAW, 0000
 GLENN L GEBELE, 0000
 MICHAEL S SABELLICO, 0000
 SUSAN K POWERS, 0000
 JOHN J METCALF, 0000
 STEVEN J REYNOLDS, 0000
 SEAN M MAHONEY, 0000
 KEVIN J MCKENNA, 0000
 CHRISTOPHER E ALEXANDER, 0000
 JAMES W SEBASTIAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be lieutenant Commander

DEAN L FIRING, 0000
 KURT W RICHTER, 0000
 GARY G KUNZ, 0000
 DENNIS E BRANSON, 0000
 GARY L JONES, 0000
 TIMOTHY D DENBY, 0000
 JAMES H FINTA, 0000
 STEPHEN H CHAMBERLIN, 0000
 JOSEPH M CARROLL, 0000
 LUIS M ROLDAN, 0000
 BRIAN R WETZLICH, 0000
 ALBERT R AGNICH, 0000
 BARBARA A ROSE, 0000
 CAROLA J LIST, 0000
 JEFFREY F NEUMANN, 0000
 SEAN F LESTER, 0000
 JOSE A SALICETI, 0000
 RICKY N SORRELL, 0000
 SUSAN R KLEIN, 0000
 NEIL H SHOEMAKER, 0000
 BRIAN P WASHBYN, 0000
 MARK A EMMONS, 0000
 JOSE M ZUNIGA, 0000
 ANDRES V DELGADO, 0000
 DAVID E HOTEN, 0000
 ROBERT L SMITH, 0000
 ROBERT C GAUDET, 0000
 MARK J MORIN, 0000
 DARNELL C BALDINELLI, 0000
 MICHAEL H DAY, 0000
 JOSEPH F LECATO, 0000
 JEFFREY R MCCULLARS, 0000
 PAUL E DITTMAN, 0000
 DANIEL H MADES, 0000
 PETER C NOURSE, 0000
 DEAN J DARDIS, 0000
 PATRICK S MCBELIGATT, 0000
 EDWARD A WESTFALL, 0000
 WILLIAM A BIRCH, 0000
 RANDALL G WAGNER, 0000
 DOUGLAS R CAMPBELL, 0000
 KARL D DORNBERG, 0000
 JOYCE E AIVALOTIS, 0000
 CHARLES G ALCOCK, 0000
 THOMAS J SALVEGGIO, 0000
 STEVEN E VIGUS, 0000
 LISA A RAGONE, 0000
 ERIC L TYSON, 0000
 WILLIAM R TIMMONS, 0000
 CLAUDIA C GELZER, 0000
 MARK MARCHIONE, 0000
 JOHN B MILTON, 0000
 KENT W EVERINGHAM, 0000
 SCOTT A HINTON, 0000
 ORIN E RUSH, 0000
 MITCHELL A MORRISON, 0000
 CHRISTOPHER B HILL, 0000
 ANTHONY E WALKER, 0000
 ROBERT J VOLPE, 0000
 JOSEPH R SIEMATKOWSKI, 0000
 ALAN L BLUME, 0000
 JEFFERY W THOMAS, 0000
 LARRY L LITTELL, 0000
 CHRISTOPHER M HOLMES, 0000
 THOMAS N THOMSON, 0000
 RICHARD M KLEIN, 0000
 JERRY J BRIGGS, 0000
 DAVID A BULLOCK, 0000
 BOB I FEIGENBLATT, 0000
 RAMON E ORTIZVELEZ, 0000
 THOMAS W HARKER, 0000
 DANIEL R NORTON, 0000
 BRUCE D CHENEY, 0000
 KEVIN L REBROOK, 0000
 WILLIAM E RUNNELS, 0000
 BRADLEY J RIPKEY, 0000
 CHARLOTTE B BROGA, 0000

KEVIN F BRUEN, 0000
 LAWRENCE E GREENE, 0000
 STEPHEN M MIDAS, 0000
 JOSEPH F ROCK, 0000
 CHARLES A CARUOLO, 0000
 KARL I MEYER, 0000
 MICHAEL A BAROODY, 0000
 ROBERT I COLLER, 0000
 JOSEPH PONSETTI, 0000
 GREGORY L CARTER, 0000
 ROGER A SMITH, 0000
 KEVIN N KNUITSON, 0000
 RAYMOND C MILNE, 0000
 DAVID J WIERENGA, 0000
 VIRGINIA J KAMMER, 0000
 MARK J BRUYERE, 0000
 MICHAEL F TREVETT, 0000
 DALE A BLUEMEL, 0000
 LAWRENCE A KILEY, 0000
 EDWARD W SANDLIN, 0000
 SCOTT D STEWART, 0000
 ISMAEL CURET, 0000
 JAMES A NUSSBAUMER, 0000
 ERICH M TELFER, 0000
 JAMES W BARTLETT, 0000
 STEPHEN E RANEY, 0000
 MICHAEL P LEBSACK, 0000
 JAMES D LYON, 0000
 DAVID SAVATGY, 0000
 JEFFREY C WESTLING, 0000
 TERI L JORDAN, 0000
 MITCHELL L HARVEY, 0000
 RICHARD T TEUBNER, 0000
 ALBERT W WYLIE, 0000
 DAVID J PALAZZETTI, 0000
 GREGORY S ROBERTSON, 0000
 AMY L BARIBEAU, 0000
 DALE K BATEMAN, 0000
 COREY BONHEIM, 0000
 CHARLES E POSSE, 0000
 ROBERT W WARREN, 0000
 DANIEL J GOETTLE, 0000
 MARYJO MEILSTRUP, 0000
 LAURA H WEEMS, 0000
 JOHN D REEVES, 0000
 JERRY R BARNES, 0000
 GEORGE L BOONE, 0000
 MATTHEW T MEILSTRUP, 0000
 EDWARD L BOCK, 0000
 JAMES A PASSARELLI, 0000
 MATTHEW R MCGLYNN, 0000
 ROBERT F TAYLOR, 0000
 JANIE S SMITH, 0000
 MICHAEL T MCGRADY, 0000
 JAMES H MORAN, 0000
 MICHAEL E COCKLIN, 0000
 SEAN C MACKENZIE, 0000
 GREGORY S GESELE, 0000
 LEE B MYNATT, 0000
 MARK M MURAKAMI, 0000
 JOHN S LUCE, 0000
 STEVEN P WITTRUCK, 0000
 JAMES P SPOTTS, 0000
 JASON D NEUBAUER, 0000
 SAMUEL R JORDAN, 0000
 THOMAS W GESELE, 0000
 SCOTT K WAGNER, 0000
 WILFORD R BEAMS, 0000
 BENJAMIN L DAVIS, 0000
 JAMES B MILLICAN, 0000
 TAMARA I KOERMER, 0000
 WILLIAMSTUART W IRWIN, 0000
 KEVIN J LOPES, 0000
 MATT N JONES, 0000
 GREGORY F HEROLD, 0000
 JOSEPH R BUZZELLA, 0000
 THOMAS H KING, 0000
 CLIFFORD D TAYLOR, 0000
 BRIAN E FIEDLER, 0000
 BYRON D WILLEFORD, 0000
 DAVID J GODFREY, 0000
 MICHAEL A CLYBURN, 0000
 DANIEL P BARAVIK, 0000
 WAYNE R ARGUIN, 0000
 JASON C COLLINS, 0000
 ROSS A STROEBEL, 0000
 HEATHER J WADINGTON, 0000
 JEFFREY D STEWART, 0000
 DAVID L PETTY, 0000
 GEOFFREY P GAGNIER, 0000
 SEAN R SCHENK, 0000
 TIAN L THOMSON, 0000
 BENJAMIN J HAWKINS, 0000
 ALDANTE VINCIGUERRA, 0000
 JOHN S IMAHORI, 0000
 RONALD K SCHUSTER, 0000
 JOHN C VANN, 0000
 MATTHEW T BECK, 0000
 PATRICK T SMITH, 0000
 EDWARD J GAYNOR, 0000
 KEVIN D ODITT, 0000
 KEVIN W RIDDLE, 0000
 KEVIN E WIRTH, 0000
 DAVID W RAMASSINI, 0000
 CHRISTOPHER K MARCY, 0000
 JOSEPH E STAIR, 0000
 ERIC S GLEASON, 0000
 MALCOLM R MCLELLAN, 0000
 SCOTT WASHBURN, 0000
 ROBERTO J MUNIZ, 0000
 MICHAEL A MULLEN, 0000
 NICHOLAS DELAURA, 0000
 JOHN P DAILEY, 0000
 KARIN E MESSENGER, 0000
 THOMAS L LEVIN, 0000
 CHAD L JACOBY, 0000
 BRENDAN D KELLY, 0000

DIMITRI A DELGADO, 0000
 MARTIN G SARCH, 0000
 SUSAN POLIZZOTTO, 0000
 DEREK A DORAZIO, 0000
 ROSS L SARGENT, 0000
 ROBERT M HENDRY, 0000
 MARK S YOUNG, 0000
 MICHAEL K SAMS, 0000
 JONATHAN S SPANER, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant General

MAJ. GEN. BRUCE A. WRIGHT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. DONALD G. COOK, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be colonel

CESARIO F. FERRER JR., 0000

To be major

RAYMOND Y. HOWELL, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

SAMUEL CALDERON, 0000
 DALE D. ELLENS, 0000
 DAVID S. ELMO, 0000
 GEORGE D. FORTENBERRY, 0000
 BRIEN P. HORAN, 0000
 JEFFREY A. JACOBS, 0000
 BERT K. MIZUSAWA, 0000
 DOUGLAS F. OXBORROW, 0000
 WILLIAM J. SMITH, 0000
 VINCENT T. TAYLOR, 0000
 ERIC R. WALDKOTTER, 0000
 FRANK E. WISMER III, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

BRADFORD W BAKER, 0000
 THAD A BIGGERS, 0000
 EDWARD S BLUESTONE, 0000
 MICHAEL J BOONE, 0000
 ROBERT A CASPER JR., 0000
 ANGEL C CRUZ, 0000
 BRIAN J FINMAN, 0000
 STEPHEN F FULLER, 0000
 ERIC E GEORGE, 0000
 JEFFREY J HOPPE, 0000
 ADOLFO H IBARRA, 0000
 BRIAN W JONES, 0000
 ETNA C JONES, 0000
 BRIAN D KIRK, 0000
 MARK A LAKAMP, 0000
 ANDY M LEAL, 0000
 ANTHONY J LINARDI III, 0000
 MICHAEL J LYDON, 0000
 ANGEL M MELENDEZ JR., 0000
 STEPHEN E MILLS, 0000
 DAVID K NUHFER, 0000
 RODNEY M PATTON, 0000
 BRIAN M PETERSON, 0000
 GARY PETERSON, 0000
 ROLANDO RAMIREZ, 0000
 ROBERT B ROBERTS, 0000
 ASHLEY C ROSE, 0000
 KURT J ROTHENHAUS, 0000
 ROMÉ RUIZ, 0000
 JASON B SCHEFFER, 0000
 MICHAEL J SCHILLER, 0000
 JOHN R SCHMIDT, 0000
 MARC S SCOTCHLASS, 0000
 LEE P SISCO, 0000
 WILLIAM A SMITH IV, 0000
 NICHOLAS H TAYLOR, 0000
 ROBBIE J THOMAS, 0000
 RAY R WETMORE JR., 0000
 DAVID J WICKERSHAM, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate October 30, 2001:

UNITED STATES AGENCY FOR INTERNATIONAL
DEVELOPMENT

KENT R. HILL, OF MASSACHUSETTS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

J. EDWARD FOX, OF OHIO, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

E. ANNE PETERSON, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF STATE

JOHN F. TURNER, OF WYOMING, TO BE ASSISTANT SECRETARY OF STATE FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS.

JOSEPH M. DETHOMAS, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ESTONIA.

BRIAN E. CARLSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

JOHN N. PALMER, OF MISSISSIPPI, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PORTUGAL.

JOHN MALCOLM ORDWAY, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

BONNIE MCELVEEN-HUNTER, OF NORTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FINLAND.

ROBERT V. ROYALL, OF SOUTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC OF TANZANIA.

MARGARET K. MCMILLION, OF THE DISTRICT OF COLUMBIA, CAREER MEMBER OF THE SENIOR FOREIGN

SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF RWANDA.

WANDA L. NESBITT, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MADAGASCAR.

CLIFFORD M. SOBEL, OF NEW JERSEY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

CAMERON R. HUME, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH AFRICA.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

TRIBUTE TO GERI COOMBS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. LANTOS. Mr. Speaker, I am honored to pay tribute to Mrs. Geri Coombs, who is retiring from the California Teachers Association (CTA) after 25 years of dedicated service. I had the distinct pleasure of hiring Geri when I was involved with the CTA. I knew then, that Geri's arrival would be a great benefit to the CTA, and that judgment has been confirmed.

For the last twenty years Geri has been the Associate Executive Director and Controller of the California Teachers Association. During that time she has guided the Association from humble roots with an uncertain future to a strong and vibrant association that has become a model of financial stability for nonprofits across the country. Under her direction the CTA Business Division was reorganized, resulting in both renewed financial success and a restored confidence in the future reliability of the Association. All who have had the privilege of working with this dedicated woman share my confidence in her extraordinary leadership and vision.

Mr. Speaker, in addition to her outstanding financial insight, Geri's understanding to the goals of the CTA has given her a unique ability to allocate and direct resources to meet the many and diverse needs of the CTA. Among Geri's many successes at the CTA was the successful balancing of the demand for CTA services and resources from both large urban and small rural chapters. In addition it was Geri's important role as a management consultant to the CTA Board bargaining team that was instrumental to ensuring the trust and respect of both professional and associate staff unions, thereby solidifying the integrity of the process.

Geri is respected by all who deal with her, as her colleagues stated in their glowing tribute of her: "No CTA member has been called upon more often to solve seemingly insurmountable problems and no CTA staff member will be missed more as she moves onward and upward to a most deserved retirement."

Mr. Speaker, I urge all my colleagues to join me in paying tribute to a tireless worker, a financial wizard, and an outstanding person on the conclusion of her extraordinary career with the California Teachers Association.

TRIBUTE TO JOHN "MIKE" FLYNN

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. McGOVERN. Mr. Speaker, I rise today to honor John "Mike" Flynn, who has served as the Worcester County Sheriff since January 7, 1987.

Mr. Flynn's law enforcement career began with the Fitchburg Police Department where he served from 1952 until 1963. From 1963 until 1987, he served as Deputy Superintendent of the Worcester County Jail and House of Correction and Special Sheriff of Worcester County.

The sheriff has been active in many civic and community activities. He has been a member of the West Boylston Democratic Town Committee in West Boylston; Board of Directors of the Campaign for Human Development; Veterans of Foreign Wars, West Boylston, Post 6709; American Legion Post 21 Main South Post; President of the Armed Forces Committee in 1993; President of the Massachusetts Sheriff's Association, and his special 30 year association with the Mercy Center and their mission to serve the mentally retarded.

Son of Irish immigrants, the Sheriff is proud of his heritage, but proud to be an American. The "son of a steamfitter", he attended Northeastern University's Division of Law Enforcement, and served in the U.S. Army during World War II as an infantryman in the Asian Pacific Theater. During his service in the National Guard, he achieved the rank of Captain.

Above all, the Sheriff is a family man who enjoys time with his wife Joan, their six children, and seven grandchildren.

A true Democrat, a dedicated public servant, a loving parent and faithful brother, Sheriff Flynn exemplifies the ideals of the Democratic Party and the spirit of Eleanor Roosevelt. The Shrewsbury Democratic Town Committee is honored to present him its 2001 Eleanor Roosevelt Humanitarian Award.

WASHING AWAY GRIEF

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. ISRAEL. Mr. Speaker, this article appeared in *Newsday* on Tuesday, October 23, 2001, on page A7. I would like to sincerely thank and commend Jean Gioglio for her generosity and kindness in donating her son Michael Gioglio's clothes to the World Trade Center rescue workers.

WASHING AWAY GRIEF

MOTHER DONATES DECEASED SON'S CLOTHES TO RESCUE WORKERS

(By Nedra Rhone)

It was nearing some ungodly hour, and as rescue workers labored at Ground Zero hoping to find traces of the missing, Jean Gioglio labored over her washing machine.

Suds from a homemade cocktail of detergent and disinfectant bubbled about and the piles of clothing seemed to grow before her eyes, but she was determined to finish. The weatherman had predicted rain for the next day, and Gioglio wanted to get the clothing to rescue workers by morning.

As the machine rumbled in her Bay Shore home, Gioglio wrote a letter. "I cannot fath-

om how you have the strength to carry on, but from the bottom of my heart, I am grateful to you!!"

Into every sleeve, every trouser leg and each pocket she tucked the note explaining exactly where the items came from. "These are Mike's clothes; you see, he doesn't need them anymore . . . he died three years ago . . . I've asked Michael to be your guardian angel."

Michael was Gioglio's 19-year-old son. And in the three years since his death, she has held on. Held on to his clothing, his possessions, his life. Two nights after the attack on the World Trade Center, Gioglio was ready to let go.

"It hurts me that I'd been holding on to Mike's clothes. I was thinking about how tired the rescue workers must be, how shocked. I was stuffing letters into the shirts and just wanting them to put them on, find that piece of paper, and not feel anonymous," Gioglio said.

When Michael Gioglio was 16, Timothy McVeigh bombed the Alfred P. Murrah Federal Building in Oklahoma City. "He wanted to jump on the plane right then," Gioglio said. He wanted to help the rescuers there in what was then the worst act of terror in America. "He was too young, how could I just take a kid into that environment?"

Michael gave logical reasons, Gioglio said. He was strong, level-headed and willing to follow direction, he told her. But the answer was still no. Michael never said another word about it.

Then, three years later, he committed suicide, and with time, Gioglio started the process of healing. But she never was able to part with her son's belongings.

"Being surrounded with Mike's things made it a little more comforting," she said. "It gave me a feel for what was."

Michael was an athletic young man. The walls of his bedroom still display the more sentimental reminders of his life—football photos, lacrosse pads, a golf iron.

People told her that when the time was right to let go, she would know. It just never seemed to come.

Until the moment in mid-September, when Michael had a second chance to help. She found herself in his old room pulling long-forgotten clothing out of drawers and closets. "Humanity is dying," Gioglio said about her sudden motivation, "and the simplest things are going to get all of us to a better place."

It had taken years for Gioglio to get to this point, but as she packed her son's belongings, which had remained in his bedroom untouched, her state-of-mind surprised her.

"I was comfortable with it; I'm not heartbroken at all," she said.

In fact, it felt as if Michael had tapped her on the shoulder and told her to do something, she said.

Family members who had watched Gioglio grieve over the years thought it was wonderful that she was able to give away her son's material possessions, Gioglio said.

"Sometimes people need something, some significant event, to jump-start some type of healing or resolution," said Jill Rathus, associated professor of psychology at Long Island University's C.W. Post campus. The World Trade Center attack may have helped push Gioglio to the next phase of healing.

The tragedy could have many different effects on people who previously experienced

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the loss of a loved one, Rathus said. For some it may prove a setback, with the event serving as confirmation of their already altered world view and flooding them with painful memories. Others, like Gioglio, may believe their mourning is shared and find a greater sense of community with those now experiencing loss.

On Sept. 22, Michael would have turned 33 years old.

"I know there would have been no stopping him now," Gioglio said.

Her son was no bleeding heart, she said, but he did care about animals, the environment and kids.

"You wouldn't pick him out in a crowd and say 'He's a humanitarian,'" Gioglio said, "but he is there quietly in the background doing what he can."

This time, his work in the background offered some form of comfort to weary firefighters, police officers and emergency workers.

Piece by piece, Gioglio ironed, folded and labeled Michael's clothing, bundling size 34 pants and large-sized sweatshirts into neatly wrapped piles that she delivered to Island Harvest, the Long Island based organization that maintained a warehouse for donations.

"It just stood out because it was clear that somebody went through a lot of trouble to make sure this was going to get to the firemen," said Tom Waring, president of the group, whose volunteers organized about 300,000 pounds of tools, medical supplies, food and clothing. Waring later called Gioglio to thank her.

It was pouring rain the day local volunteers distributed Michael's clothing to rescue workers. A number of people called or wrote letters that same day to say, yes, her note really had helped them feel better.

One rescuer had just wiped the soot from his face and arms with baby wipes and reached for Mike's clean, dry shirt, when the letter fluttered out.

"He said to me, 'I want to run home and hug my kids, but first I wanted to tell you that this is definitely a hug from yours,'" Gioglio said.

She believes that Michael is there at Ground Zero—hopefully as a guardian angel to workers doing the job he once dreamed of doing.

"Letting go of Mike's possessions, I believe, is somehow sending out the troops," Gioglio said. "Maybe I bit off more than Michael can chew, but we definitely have him on the case."

TRIBUTE TO MELANIE
KERNEKLIAN ON THE OCCASION
OF HER 60TH BIRTHDAY

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. CANTOR. Mr. Speaker, I rise today to recognize a remarkable woman, Melanie Kerneklian. I have known Melanie for many years and have come to value her as a tireless advocate for the Seventh Congressional District of Virginia and a friend.

Melanie is dedicated to Virginia. She is known as a vocal and effective leader in the community, but is most known for her advocacy on behalf of the Armenian community. Melanie is recognized as a leading expert on the issues of import to the Armenian-American community and has worked on local, state and federal levels to promote awareness.

On October 12, 2001, Melanie celebrates her 60th birthday. Mr. Speaker, I hope you will join me in wishing Melanie well on her birthday and to thank her for her service to so many people.

HAPPY BIRTHDAY TRIBUTE TO
THE U.S. MARINE CORPS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. WOLF. Mr. Speaker, November 10, 2001, marks the 226th anniversary of the U.S. Marine Corps. On November 10, 1775, a corps of Marines was created by a resolution of the Continental Congress, and throughout the whole of American history the corps has acted with the bravery and honor, courage and humility befitting the American armed services.

In the wake of the tragic events of September 11, and the current military operations which are underway, I am hopeful that America has a new found respect and reverence for our men and women in uniform wherever and whenever they may serve.

As Marines both Retired and Active Duty, Reservists, civilian and uniformed alike, gather cross the Nation to celebrate this momentous occasion, I would like to acknowledge their past service and give thanks for their continued vigilance during these trying times.

This week, in my own district, the Marines of Page County will gather for a humble but memorable celebration at the Luray VFW. To commemorate this special day I would like to submit for the RECORD an essay composed by Thomas E. Lloyd, Major, U.S. Marine Corps (Retired), a resident of Virginia's 10th Congressional District, who has captured the essence of a lifetime devotion to the corps.

[From the Marine Corps Gazette, Nov. 1997]

THE CHANGE IS FOREVER

(By Maj Thomas E. Lloyd, USMC(Ret))

Until recently in my home town, there was an advertising billboard on Main Street with the image of a young Marine officer in Dress Blues with the caption. "The Change Is Forever." Appropriately, the sign appeared about the same time as the 1996 Marine Corps Birthday. Each time that I passed it, the soft murmur of memories echoed in my head.

It's fun to enjoy an occasional peek into the window of our past as long as we know when to close the curtain. One enjoyable way to do this is to celebrate the birthday of our Corps with other Marines. Since our area is rural and fairly remote, a few of us decided two birthdays ago to have our own celebration. Over the past 2 years, it has grown from a few retired Marines gathering to toast the birthday of their Corps to a community event of over 100 Marines, their families, and friends.

There's nothing fancy about our ball—the Marines who can still get into their uniforms wear them, but there are no tuxedos or long gowns. For \$7.00 you get a good, homecooked meal of roast beef, gravy, and mashed potatoes. After dinner, we ask the guests to light a candle for our Corps as two retired Marines parade the colors with a marching glide that does not hint of their combined ages of 140 years. After the reading of the traditional Birthday Message of Gen. Lejeune, the cake cutting ceremony takes place.

As the senior Marine, I then say a few words. In keeping with the type of audience, I try to make my remarks emotional, but relevant and to the point. Last year I reminded them that there were no ex-Marines—only Marines.

We are gathered here to honor our Corps and our fellow Marines. We pay homage to tradition and patriotism, to duty and honor, to commitment and sacrifice. The voices of those who have gone before us call out to us with the words that symbolize our Corps—Semper Fidelis! In your present life, you may be a farmer or a truck driver. You may be old or young. Your hair may have grown grey and your middle thick. Life and the inevitable progression of time changes our outward appearance, but it cannot alter what is inside. Your presence here says what is in your heart; you too have answered the role call of Marines who call out to the next generation—Semper Fidelis. I remind you, as I have before, that you are still Marines. You have been branded with the eagle, globe, and anchor. It is seared into your soul. You have earned the title Marine, and it is yours until eternity.

More than likely, no flag officer will ever speak at our birthday ball, and the Marine Corps band will only play for us via my cassette player. A high-ranking guest speaker, expensive admission, and a prime rib dinner aren't necessarily prerequisites for a successful birthday celebration, but enthusiasm, sincerity, and the spirit of the Marines who attend are.

At the foot of the Blue Ridge, near the Shenandoah river, where the natural beauty of the landscape takes your breath away, you'll find a small group of simple and down-to-the-earth men and women who believe in the motto of their Corps—Semper Fidelis! They remain faithful, even though the Marine Corps that they once knew exists only in their memories and in their hearts. The words on the billboard were more than advertising: The Change Is Forever!

A TRIBUTE TO RAFFI HAMPARIAN

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to a great American, a great public servant, a great expert on foreign affairs, a great staff member, a great campaign worker, a great brother, son and husband, a great friend, and soon to be a great father.

Mr. Speaker, at the end of this week a man who fits all those descriptions, Mr. Raffi Hamparian, will be departing my office and moving to the west coast to settle down with his wife and the new child they are expecting in January.

He has served for the past five years as my senior legislative assistant and handled all my International Relations Committee and Foreign Operations Subcommittee work. He has been a strong and steady voice in the halls of this Congress for the oppressed minorities of the world and for exporting the best of America to all those peoples hungry for freedom.

Myself and the rest of my staff will not only miss his great expertise at a time when we greatly need such insight into foreign affairs, but we will also miss his friendship. We have all come to rely on seeing his smiling face and hearing his reassuring voice each morning we walk into the office.

Mr. Speaker, this Congress and my office in particular are about to lose a tremendous resource, but I know Mr. Hamparian will stay involved in the public arena and will continue to offer his services to the people of America, wherever he may live or work.

I want to take this moment to thank him for all he has done for me and all he has done for this Congress and to wish him and his family the blessings of God and every joy known to this world.

TRIBUTE TO JOSEPH M. DeMARIA

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. McGOVERN. Mr. Speaker, I rise today to honor the late Mr. Joseph M. DeMaria, a member of the Shrewsbury Democratic Town Committee. His active participation in monthly Sunday morning meetings will be sorely missed.

Mr. DeMaria was a construction engineer with the Massachusetts Bay Transportation Authority, serving on the Worcester Commuter Rail Extension Project. He was a member of the United States Army Infantry following Officers' Candidate School in Fort Benning, Georgia, and served in the National Guard.

He was a member of the Engineering and Technical Union Local 5, St. Anne's Church, Shrewsbury Knights of Columbus-Adelphi Council 4181, Italian American Victory Club, and formerly a member of the International Union of Operating Engineers Local 4. In 1973, the Massachusetts Jaycees named him Outstanding Young Leader of the Year.

Mr. DeMaria was an active campaigner, a Town Meeting Member for 20 years, a member of the Shrewsbury Cable TV Commission, and a delegate to State Democratic Conventions. His participation and Leadership in Little League, Youth football, and coaching of the Victor Quaranta Post 397 American Legion is legendary.

Mr. DeMaria's devotion to his family, including his sons Frank, Joe, Anthony and Paul, was well known. Therefore, it is a great pleasure to honor Joseph DeMaria at the 2001 Eleanor Roosevelt Humanitarian Award for a life that embodied the values of Eleanor Roosevelt.

BUSH TO BIN LADEN

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. ISRAEL. Mr. Speaker, I would like to add the following article to the CONGRESSIONAL RECORD. It appeared in the New York Times on Friday, October 12, 2001, on page A23.

BUSH TO BIN LADEN

(By Thomas L. Friedman)

The White House has asked U.S. networks to limit broadcasts of statements by Osama bin Laden. I wish that instead of censorship, the president would respond to him. Here's what Mr. Bush could say:

Dear bin Laden: I've listened to the statement you released through Al Jazeera TV.

Since I know that no Arab or Muslim leader will dare answer you, I thought I would do it. Let me be blunt: Your statement was pathetic. It's obvious from what you said that you don't have a clue why we're so strong or why the Arab regimes you despise are so weak.

You spoke about the suicide attacks on us as being just revenge for the "80 years of humiliation and disgrace" the Islamic nation has gone through. You referred to the hijackers as a Muslim vanguard sent "to destroy America," the leader of the "international infidels," and you denounced the Arab regimes as "hypocrites" and "hereditary rulers."

What was most revealing, though, was what you didn't say: You offered no vision of the future. This was probably your last will and testament—I sure hope so—and you could have said anything you wanted to future generations. After all, it was your mike. Yet you had nothing to say. Your only message to the Muslim world was whom to hate, not what to build—let alone how.

In part it's because you really don't know much about Islamic history. The Muslim world reached the zenith of its influence in the Middle Ages—when it preserved the best of classical Greek and Roman teachings, and inspired breakthroughs in mathematics, science, medicine and philosophy. That is also when Islam was at its most open to the world, when it enriched, and was enriched by, the Christian, Greek and Jewish communities in its midst—whom you now disparage as infidels—and when it was actively trading with all corners of the world. Your closed, inward, hate-filled version of Islam—which treats women as cattle and all non-Muslims as enemies—corresponds with no period of greatness for Islam, and will bring none.

It was also revealing that the only Arab state you mentioned was Iraq. Interesting—Iraq is led by a fascist dictator, Saddam Hussein, who used poison gas against his own people, who squandered Iraq's oil wealth to build himself palaces and who raped Kuwait. But you are silent about all that. What bothers you is our targeted sanctions to end such a regime—not the regime itself.

In other words, you not only don't understand the Muslim past, you don't understand its present. The reason these past 80 years have been so stagnant for the Arab-Muslim world is not because we in America have been trying to keep you down. Actually, we haven't been thinking about you much at all. No, the difference between American power, Chinese power, Latin American power and Arab-Muslim power today is what we've each been doing for these past 80 years. We and others have been trying to answer many questions: How do we best educate our kids? How do we increase our trade? How do we build an industrial base? How do we increase political participation? And we judged our leaders on how well they answered all those questions.

But people like you want Arabs and Muslims to ask only one question of their leaders: How well did you fight the infidels and Israelis? I know that who rules Jerusalem is a deeply important part of your heritage, and every Arab-Muslim leader must address it. But it can't be the only question. Yet, because people like you have reduced it to the only question, and tried to intimidate ever Arab who wanted to ask other questions, you have allowed your region to be led by scoundrels, like Saddam.

Yes, you've wreaked some havoc, bin Laden, but don't flatter yourself into thinking you can destroy us. You have to build something strong to destroy something strong. But you can't. Because all the intellectual and creative energies in the Arab-Muslim world—which are as bountiful as in

any other region—can never reach their full potential under repressive regimes like Iraq or leaders like yourself.

Stalin and Mao killed a lot of their own people, but even these thugs had a plan for their societies. You, bin Laden, are nothing but a hijacker—a hijacker of Islam, a hijacker of other people's technology, a hijacker of a vast Arab nation's anger at its own regimes. But you have no vision and no plan for your people. Which is why your epithet will be easy to write:

Osama bin Laden—he destroyed much, he built nothing. His lasting impact was like a footprint in the desert.

A TRIBUTE TO KIMBERLY LUGER

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. CANTOR. Mr. Speaker, in my years of service I have met and worked with many people. Of these people, I have found few who equal my chief of staff, Kimberly Luger.

Kim has been with me since the beginning, serving the people of Virginia as my aide in the General Assembly and coming to Washington to open and lead my congressional offices. With an inexhaustible knowledge of the people and issues of the Seventh District of Virginia, Kim serves with a professionalism, dedication, and enthusiasm that is exemplary. She rises to every challenge and with her loyalty and commitment meets or exceeds every goal.

Although she is an invaluable asset to me and to the people of Virginia, Kim has decided to leave the world of congressional affairs. In December, Kim and her husband, Charles Luger, are expecting their first child. After her years of service, Kim will turn her inexhaustible talents toward her family.

Mr. Speaker, Kim and Charles will be wonderful parents, and I hope you will join me and my family in wishing them the best on this exciting new chapter of their lives and thanking Kim for her contributions to the people of the Seventh District of Virginia.

WORLD POPULATION AWARENESS
WEEK

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. DeFAZIO. Mr. Speaker, rapid population growth and urbanization have become catalysts for many serious environmental problems and are applying substantial pressures on infrastructure, manifested especially in pollution, transportation, health, sanitation, and public safety problems; making urbanization an issue cannot afford to ignore. Cities and urban areas today occupy only 2 percent of the Earth's land, but contain half of the world's population and consume 75 percent of its resources.

It is therefore important for us to recognize the problems associated with rapid population growth and urbanization. Governor Kitzhaber has proclaimed the week of October 21–27 of this year as World Population Awareness Week in the great State of Oregon, and I

would like to support the Governor in this effort by entering his proclamation into the CONGRESSIONAL RECORD.

PROCLAMATION

Whereas: world population today exceeds six billion and continues to increase by one billion every 13 years; and

Whereas: the most significant feature of the 20th century phenomenon of unprecedented world population growth was rapid urbanization; and

Whereas: cities and urban areas today occupy only two percent of the earth's land, but contain 50 percent of its population and consume 75 percent of its resources; and

Whereas: the most rapid urban growth over the next two decades is expected in cities with populations ranging from 250,000 to one million; and

Whereas: along with advantages and amenities, the rapid growth of cities leads to substantial pressure on their infrastructure, manifested in sanitary, health and crime problems, as well as deterring the provision of basic social services; and

Whereas: in the interest of national and environmental security, nations must redouble voluntary and humanitarian efforts to stabilize their population growth at sustainable levels, while at all times respecting the cultural and religious beliefs and values of its citizens; and

Whereas: the theme of World Population Awareness Week in 2001 is "Population and the Urban Future."

Now, therefore, I, John A. Kitzhaber, Governor of the State of Oregon, hereby proclaim October 21-28, 2001 to be World Population Awareness Week in Oregon and encourage all Oregonians to join in this observance.

DEATH OF AN INNOCENT AUTHOR
UNKNOWN

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. STEARNS. Mr. Speaker, I recently submitted to you a poem entitled Death of an Innocent. One of my constituents, Elisabeth Cercek from Ocala, FL, was nice enough to get this across my desk in hopes that it would bring awareness to the problem of drinking and driving. I wanted to correct my previous statement which named Elisabeth as the author. The writer of Death of an Innocent is unknown.

TRIBUTE TO KEVIN T. BYRNE

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. McGOVERN. Mr. Speaker, I rise today to honor an outstanding individual, Mr. Kevin T. Byrne who will be receiving the Eleanor Roosevelt Humanitarian Award for all his years of dedication and service. This year's Eleanor Roosevelt Humanitarian Award is dedicated in memory to Joseph DeMaria for his years of contribution to the Shrewsbury Democratic Town Committee and for his community involvement with young adults.

Mr. Byrne's service to Central Massachusetts is truly remarkable. He is an excellent

example of all the devoted, hardworking men and women who serve their communities daily. Mr. Byrne has been active in the town of Shrewsbury for over thirty years, currently serving as the vice chair of the Shrewsbury Democratic Town Committee and as the Town Moderator.

Mr. Byrne, in addition to serving the people of Shrewsbury politically, is an active member of the community. In the past he served as the President of the National Council on Alcoholism in Greater Worcester. Mr. Byrne is also on the Board of Directors of many groups, which include the Audio Journal of Worcester, the Bach Society of Worcester, EntrActors Guild of Worcester, and the Worcester Forum Theater.

Kevin Byrne is engaged fully in his church. He is a past President of the St. Mary's Parents Association, and a past member of both the St. Mary's Parish Council, and the Worcester Diocese Senate of Laity.

In addition to all of the other great work Mr. Byrne has accomplished for the community, he has been an active member in the Massachusetts legal world. For five years Mr. Byrne was a Trustee and Treasurer of the Massachusetts Bar Association. He is a past President of the Worcester County Bar Association. He also hosts, and serves as the moderator on the Worcester Weekly cablevision program, "The Law Review."

Mr. Byrne, and his wife Virginia, are the proud parents of three, Melissa, Christopher, and Jennifer.

Mr. Speaker, I commend Kevin T. Byrne for his remarkable commitment to the people of Central Massachusetts and the United States of America. He is truly an example of an outstanding individual who has accomplished many great things and who will leave a long lasting legacy behind him.

PROCLAMATION FOR JAMES A
RUCK

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding educators, James A. Ruck, who has received the Golden Apple Award from his peers and the Suffolk County Council in recognition of his achievements.

The Golden Apple Award is presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. Receiving the Golden Apple Award is an extraordinary achievement with which only the finest educators are honored.

I ask my colleagues to join me in congratulating Mr. Ruck, as his activities are indeed worthy of praise. His leadership benefits our community and he serves as a role model for our youth.

It is with great pride that I recognize the achievements of James Ruck and bring the attention of Congress to this successful educator on his day of recognition. Congratulations to you and your family.

GRATITUDE TO THE PEOPLE OF
CANADA

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. BILIRAKIS. Mr. Speaker, I rise today in an expression of gratitude to the people of Canada, and the people of Newfoundland in particular, for the invaluable support they offered our citizens shortly after the September 11th terrorist attacks. As a sign of appreciation, I would like to take this opportunity to thank all Canadians for their warm, heartfelt actions during that time of crisis.

Canada stood firmly by our side in dealing with the immediate consequences of the terrorist strikes. When all U.S. air space had to be cleared, hundreds of flights were diverted to Canadian airports, mainly in Newfoundland and Nova Scotia. During the following days, the Canadian government and local authorities did everything in their power to help the thousands of travelers that were unable to return to their homes. Furthermore, demonstrating their solidarity to the American people, many ordinary citizens showed up at the airports and volunteered to give shelter to the confused travelers.

I recently received a letter from a constituent who was one of those travelers. Michael Rollins of Safety Harbor, Florida, felt the need to utter his sincerest and deepest thanks to a community of people who have forever touched the lives of thousands of U.S.-bound air travelers stranded in Canada.

After de-boarding the plane in St. John, Newfoundland, Mr. Rollins and all other passengers and crew found instant assistance and accommodations from the local population. These caring individuals opened their homes and hearts. Total strangers provided groceries, clothes, towels, sheets and countless other items in a selfless display of love and compassion. St. John's Citadel Corps took care of more than 300 people for over five days. The same outpouring of warmth and comfort took place in the town of Gander, where other flights were rerouted. There too, passengers experienced the benevolence of strangers, and the nurturing and loving capacity of the human heart.

The altruism, compassion and generosity of Newfoundland's residents did not go unnoticed. These sentiments show how much we share with the people of Canada, how many basic human values we both hold dear. As America moves forward, determined to protect our freedom and our way of life from any terrorist threat, we feel proud to have Canadians as neighbors, and more importantly, as friends.

ECONOMIC SECURITY AND
RECOVERY ACT OF 2001

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 2001

Mr. COSTELLO. Mr. Speaker, I rise today in strong opposition to H.R. 3090. This is simply

the wrong way to approach a short term economic stimulus bill. It is not temporary, and instead of addressing the needs of laid off workers, the Republican bill is a give away to the wealthiest Americans and corporations. Even Treasury Secretary O'Neill has said the bill is misguided. The country would be much better served by considering the comprehensive aviation security bill I introduced with other Democrats on the Transportation and Infrastructure Committee. This should have been one of our top priorities in the days after September 11, but six weeks later we have not seen floor action.

There are numerous problems with the Republican bill, but I am particularly troubled by a provision that will allow multi-national corporations to avoid paying U.S. taxes by taking profits out of this country. How does this stimulate our economy? Some of the business provisions in this bill are retroactive all the way back to 1986. In addition, the Republicans provide no immediate federal support for unemployment insurance or health care benefits for laid off workers, but instead make benefits dependent on later actions by the states. We need to get money directly to middle and low-income workers to get that money back into the economy.

Mr. Speaker, I urge my colleagues to reject this outrageous Republican bill, and then let us move quickly to consider aviation security legislation. We have already waited far too long.

CONFERENCE REPORT ON H.R. 2217,
DEPARTMENT OF THE INTERIOR
AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. NADLER. Mr. Speaker, I rise in support of the Interior Appropriations bill. It is far from perfect, but it is thankfully free of the most objectionable provisions we have seen the last several years.

I want to take special note of the modest increase once again granted to the National Endowment for the Arts, Challenge America Grant. This is a very important program that helps bring the arts to areas of this country that have traditionally been under-served. I'm happy to see this vital program continuing to be supported.

At the same time, however, I can't help but be disappointed that the other activities of the NEA will continue to receive flat funding. After years of contentious debate, I suppose we could be thankful that at least it's not a cut. But in reality, it is a cut. Level funding means that the resources that the NEA needs to do its job get stretched thinner year after year.

I appreciate the hard work of the appropriators, but I hope that in the future we can work to increase the NEA's budget to a level that would enable it to fulfill its core mission of nurturing work that would not, on its own, receive popular support. At times, this may mean supporting forms of expression that we ourselves may not agree with. But that is one way we promote a free society.

A true National Endowment for the Arts would play a vital role in nursing back to

health the devastated arts community of New York in the wake of the September 11th attacks. Broadway may be rebounding, but the performance artists and the small art galleries, who have no marketing campaign behind them, are suffering. A fully funded NEA could be the key to restoring this once thriving arts community and drive the economic recovery of New York. But unless we make a commitment to dramatically increase its budget, it will not have the ability to lead these efforts.

However, the arts are not just an economic engine. They also provide the emotional and spiritual lift that we have all needed this past month. In the wake of the attacks, music halls around the country were packed. A crying nation flocked to the theater to laugh again. People went to dance concerts and museums for a sense of community and emotional release. In times of crisis, the arts can provide comfort in a frightening world.

I salute the appropriators for supporting Challenge America. But I caution, if we do not support the other vital elements of the NEA, the flourishing arts communities we have turned to in recent weeks will surely wither away.

TRIBUTE TO DONNA LARGESS
O'CONNOR

HON. JAMES P. MCGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. MCGOVERN. Mr. Speaker, I rise today to honor Donna Largess O'Connor. Her political commitment to the ideals of the Democratic Party, as well as her contributions to civic and charitable causes deserves commendation and respect.

A life long resident of Shrewsbury, Mrs. O'Connor graduated from Shrewsbury High School, Memorial Hospital School of Nursing, and Worcester State College. She has been employed since 1973 at the Memorial Campus of UMass Memorial Medical Center, currently as Unit Manager of the Neonatal Intensive Care Unit.

While contributing to the care of newborns, Mrs. O'Connor also played a special role in the town. She was elected to the board of selectmen, serving as Chair, Vice Chair and Clerk during her twelve-year tenure. She was a Board member of the Massachusetts Municipal Association; the Massachusetts Selectman's Association, Women Elected to Municipal Office, and the Worcester County Selectman's Association. Additionally, she served as Chair of the Coolidge School Renovation Project, the Town of Shrewsbury Growth Study Committee, and the Worcester County Advisory Board. Currently, she is a member of the Town of Shrewsbury Finance Committee, Town Meeting Member, and a member of the National Association of Neonatal Nurses.

Somehow, Mrs. O'Connor found time for political volunteering as well. She served as the Co-Chair with her cousin Linda Parmakian for the Committee to Elect Congressman Jim McGovern, member of the Shrewsbury Democratic Town Committee, and delegate to many Democratic State Conventions. A tireless campaigner, Mrs. O'Connor works hard to secure an election.

However, despite her involvement with her community, her priority has always been her

family. Mrs. O'Connor has been a familiar sight on the playing fields of Shrewsbury. She and her husband John have three sons, John, Kevin, and Brian.

It is a pleasure to present the 2001 Eleanor Roosevelt Humanitarian Award to a woman whose devotion to community and family exemplifies the values of Eleanor Roosevelt.

INTRODUCING MEDICARE CHRONIC
CARE IMPROVEMENT ACT OF 2001

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. STARK. Mr. Speaker, today I join with several colleagues to introduce the Medicare Chronic Care Improvement Act of 2001. This comprehensive piece of legislation would update and improve the Medicare healthcare delivery system to better meet the needs of people with serious and disabling chronic health conditions.

Individuals with chronic illnesses represent the highest-cost, fastest-growing sector in healthcare, accounting for 90% of morbidity, 80% of deaths, and over 75% of national direct medical expenditures. For a person who is seriously disabled by their chronic condition, annual medical expenditures can be nearly 15 times that of a healthy person. Furthermore approximately 100 million Americans have chronic conditions and this number is expected to increase to 157 million—or half the population—by 2020.

Although chronic conditions are America's number one healthcare problem, we have a healthcare system that is designed around acute care needs. A recent IOM report, Crossing the Quality Chasm, appropriately concludes, "chronic conditions should serve as a starting point for the restructuring of health care delivery because chronic conditions are now the leading cause of illness, disability, and death in the United States, affecting almost half of the population and accounting for the majority of health care resources used."

This statement is particularly true with respect to Medicare beneficiaries—about 80% of those aged 65 and older have one chronic condition and two thirds have two or more. For women, the numbers are even higher—90% have one or more chronic diseases.

Chronic illnesses are physical and mental conditions that are persistent, recurring, and can range from mild to severely disabling. Some have acute periods that require hospitalization, while others can be successfully managed to prevent costly hospitalizations. Conditions like arthritis, depression, and hypertension are particularly common among older Americans. Others, such as schizophrenia and multiple sclerosis, can lead to profound impairment and disability in Americans under 65.

We cannot deliver 21st century healthcare with a system that was designed a half-century ago, before angioplasty or bypass surgery for heart disease and before L-dopa for Parkinson's disease. Medical discoveries like these have transformed many illnesses from rapidly disabling conditions to chronic conditions that people live with for a long time. But the healthcare system that works for devastating heart attack does not work for chronic

illnesses, which benefit from a completely different group of services.

For example, Medicare data show that people with chronic conditions see eight different physicians on average. Yet Medicare does not compensate physicians for time spent communicating with each other around complex patient needs, monitoring for harmful drug interactions, or teaching patients and caregivers how to better manage their conditions. As a result, these crucial care coordination services are rarely provided.

To effectively meet the needs of individuals with chronic conditions, our healthcare system must reward care coordination as well as prevention and health promotion. We must promote early diagnosis, interdisciplinary care, and counseling and education for patients and their caregivers. Furthermore, we must develop more effective national policies on chronic condition care by studying chronic condition trends, including utilization, quality, and costs of services for patients with chronic conditions.

The medical discoveries of the 20th century have dramatically prolonged the life expectancy of persons with all types of chronic conditions. In the 21st century, our challenge is to reduce the progression of disability and improve the functional status and quality of life of persons with chronic illness.

The Medicare Chronic Care Improvement Act of 2001 strives to achieve these goals by: Improving access to preventive and wellness services for Medicare beneficiaries;

Covering assessment and care coordination services for Medicare beneficiaries with serious and disabling chronic conditions;

Refining fee-for-service payments for physician and post-acute services and M+C risk adjustment methodologies to more accurately account for the costs of chronic illnesses and disabilities;

Studying chronic condition trends and costs to serve as the basis for improved Medicare policies on chronic care; and

Commissioning an Institute of Medicine study to identify barriers and facilitators to effective chronic illness care, with a report and recommendations to Congress.

For more detail, I am also entering a section-by-section bill summary into the CONGRESSIONAL RECORD following this statement.

This legislation has been endorsed by a variety of health organizations representing consumers and providers:

Chronic Care Coalition: American Association of Homes and Services for the Aging; American Geriatrics Society, Catholic Health Association of the United States, Elderplan Social HMO, National Chronic Care Consortium, National Council on the Aging, National Family Caregivers Association.

National Depressive and Manic-Depressive Association.

Association for Ambulatory Behavioral Healthcare.

American Lung Association.

American Academy of Neurology.

United Seniors Health Cooperative.

American Neurological Association.

Let us not forget—Medicare is the major source of health coverage for seniors with chronic conditions. As Congress considers modernization strategies, we must take action to protect Medicare and ensure that its benefit, financing and oversight structures are able to better meet the needs of persons with chronic

conditions. I urge my colleagues to join me in taking a major step forward in improving the quality of care for Medicare beneficiaries with chronic health conditions.

MEDICARE CHRONIC CARE IMPROVEMENT ACT OF 2001

TITLE I—EXPANSION OF BENEFITS TO PREVENT, DELAY, AND MINIMIZE THE PROGRESSION OF CHRONIC CONDITIONS

Improve access to preventive services

Eliminate deductibles and co-insurance for Medicare covered preventive services.

Streamline process of approving preventive benefits by directing the Secretary of Health and Human Services to contract with the Institute of Medicine (IOM) to investigate and recommend new preventive benefits every 3 years. Grant the Secretary the authority to implement these recommendations, and fast-track the recommendations through Congress if the Secretary chooses not to act upon this authority.

Expand access to health promotion services

Establish demonstration projects to promote disease self-management.

Implement a Medicare health education and risk appraisal program no later than 18 months after a series of demonstration projects conclude.

Expand coverage for care coordination and assessment services

Create a new benefit that covers assessment, care coordination, counseling, and education assistance for individuals with serious and disabling chronic conditions. Services could be provided by health care professionals, including physicians, social workers, and nurses. Examples of items and services to be covered include: initial and periodic health screening and assessments; management and referral for medical and other health services; medication management; and patient and family caregiver education and counseling.

TITLE II—ESTABLISH PAYMENT INCENTIVES FOR FURNISHING QUALITY SERVICES TO INDIVIDUALS WITH SERIOUS AND DISABLING CHRONIC CONDITIONS

Improve Medicare financing methods

Direct the Secretary to refine Medicare prospective payment systems for skilled nursing facility (SNF), home health, therapy, partial hospitalization, end stage renal dialysis (ESRD), and outpatient hospital services and refine resource-based relative value scale (RBRVS) payment methods for physicians to ensure appropriate payment for serving individuals with serious and disabling chronic conditions.

Direct the Secretary to refine Medicare+Choice risk adjustment methodology to provide adequate payment for plans with specialized programs for frail elderly and at-risk beneficiaries.

Until the refined risk adjustment methodology is implemented, direct the Secretary to continue current payment methodologies for existing specialized programs for frail elderly and at-risk beneficiaries.

Create a demonstration program to provide additional payments to Medicare+Choice plans that provide a specialized program of care for beneficiaries with serious and disabling chronic conditions. These plans must exclusively serve such beneficiaries or serve a disproportionate share of such beneficiaries. The demonstration program would expire one year after the refined risk adjustment methodology is implemented.

TITLE III—STUDY AND REPORT ON EFFECTIVE CHRONIC CONDITION CARE

Evaluate Medicare policies regarding chronic condition care

Direct the Secretary to study chronic condition trends and associated service utiliza-

tion, cumulative costs, and quality indicators in Medicare.

Direct the Secretary to report the study results to Congress every 3 years. The report must include recommendations on improving care for Medicare beneficiaries with chronic conditions, reducing chronic conditions, and reducing related medical expenses.

Identify improvements in Medicare to ensure effective chronic condition care

Direct the Secretary to contract with the IOM to investigate and identify barriers and facilitators to effective care for Medicare beneficiaries with chronic conditions, including inconsistent clinical, financial, or administrative requirements across care settings. The IOM's report must include recommendations to improve access to effective care.

Definitions

“Chronic condition” means one or more physical or mental conditions which are likely to last for an unspecified period of time, or for the duration of an individual's life, for which there is no known cure, and which may affect an individual's ability to carry out basic activities of daily living (ADLs), instrumental activities of daily living (IADLs), or both.

“Serious and disabling chronic condition(s)” means the individual has one or more physical or mental conditions and has been certified by a licensed health care practitioner within the preceding 12 months as having a level of disability such that the individual for at least 90 days, is unable to perform at least 2 ADLs or a number of IADLs or other measure indicating an equivalent level of disability or requiring substantial supervision due to severe cognitive impairment.

THE IMPORTANCE OF ROYALTIES—A SONGWRITER'S PERSPECTIVE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. CONYERS. Mr. Speaker, today I am inserting into the RECORD a letter to me from Mr. Lamont Dozier, a fellow Detroitier who rose to the top of his profession as an award-winning songwriter, artist, and producer. In fact, Mr. Dozier has been so successful that his career has lasted for more than four decades, including a stint as a songwriter for Motown Records with the team of Holland-Dozier-Holland.

That success, however, did not come easily. Most people usually think of the singer or group who performed the song, not the songwriter or composer who wrote it. We easily remember the Supremes and Phil Collins when we hear “Baby Love,” “Stop in the Name of Love,” or “Two Hearts.” But if we look closely at the liner notes on the albums for those songs, we see songwriting credits for none other than Lamont Dozier. The Supremes and Phil Collins could never have had those hits had it not been for Mr. Dozier and his creativity. In fact, through his artistic genius, we can understand the notion (to use the words of Frances W. Preston, President and CEO of Broadcast Music, Inc.) that “it all starts with a song.”

In his letter, Mr. Dozier explains the importance of copyrights, royalties, and performance rights organizations. The Copyright Act

gives to songwriters the exclusive rights over the public performance and distribution of their copyrighted works—their songs—whether by traditional or more modern forms of transmission. That means that a songwriter gets paid every time a song is played publicly over the radio, television, or by some other means or sells via record or CD. Once an album no longer sells like it used to, the payments for public performances are the only money that a songwriter, like Mr. Dozier, can rely on.

Because individual songwriters cannot possibly patrol all the communications media—radio, television, Internet, etc.—for performances of their work, they join performing rights organizations (i.e., BMI, SESAC, and ASCAP) to administer their rights. These organizations provide a “blanket” license for the performance of musical works for all types of transmissions and subsequently provide payments to songwriters. I am certain that Mr. Dozier speaks for many songwriters when he notes that he “wouldn’t be able to survive” or support his family without the performance royalties.

Mr. Dozier so eloquently describes the importance of intellectual property and royalties, that I felt compelled to make public his words so that, like his songs, everyone could benefit from them.

SEPTEMBER 28, 2001.

Hon. JOHN CONYERS, Jr.,
*Ranking Member, House Judiciary Committee,
House of Representatives, Rayburn House
Office Building, Washington, DC 20515*

DEAR CONGRESSMAN CONYERS: I am writing this letter to you on behalf of myself, along with millions of other songwriters who have asked me to be their voice for certain judicial matters regarding songwriters and performance royalties.

As I am certain you are aware, I am a member of the Detroit songwriting trio, Holland-Dozier-Holland, whose hit songs were written in the 1960’s, and those songs today, still remain the tapestry of our country’s music, as they are referred to by millions of listeners, as “feel good music”, and right now more than ever, we all need “feel good music”.

Along with the accolades, many awards have been given to me for writing these songs that have in the past sold millions of records, but the most important compensation I have received, is the performance royalties, which through my performing rights society, BMI, have been the life’s blood of me and my extended family.

For over forty-five years, I have been a practicing songwriter who has had some hit songs, and then who has not had some hit songs. When record sales have dried up because age plays a factor in product that sells, or incorrect accountings from Record Companies prevent any payments, the only money that I have been able to count on is from my still current performance royalties which my family lives on from check to check.

Because I still write everyday, I still hope to have more songs that will create sales and air plays, but in the last several years I have not been lucky enough to make the charts again. However, my older songs are still popular with listeners around the world who choose to listen to certain radio stations that still play these songs. If it were not for those listeners, and BMI sending me those checks, I would not be able to support my mother, brother and sisters in Detroit, my wife and our three children, and to continue to exist in this world with any dignity even though I am not as in demand as a songwriter-producer today at age 60 as I was back in the 1960’s.

If our performance royalties were taken away, it would be in my mind and in the minds of my millions of colleagues, an injustice in our legal system. For we have all worked for years and years and years to provide our country and other countries in the world with positive music to help enhance their lives. Yes, we have been paid for our services, and just like a pension, which a man receives for 40 years of work on an assembly line at a factory, we, too, are due our royalties . . . especially since the record sales, or as referred to in the music industry, “the mechanicals” have all but fallen through to nothing with new artist record albums, with internet activity and the downloading of songs, and just the fact that my songs appeal to a certain age bracket of baby-boomers who may not buy the old time record albums anymore, but who still like and enjoy listening to the many radio stations that still play these songs.

I am forever grateful to these radio stations, their listeners, and to BMI, and to you Congressman Conyers, for helping over the many years to see that songwriters like me are still able to rely upon the earnings from our works to support our families, for without these earnings, I wouldn’t even know what kind of job I could do, because all of my life I have worked at being a songwriter, and ever since I was able to get my family and myself out of the Jeffrey Projects in Detroit, Michigan, at the age of 16 years old, I have been writing songs and making a living writing songs. Performance income is now the only living that I do earn, although I keep trying to write new songs and try to place them on the likes of Britney Spears and Nsync and Whitney Houston, but perhaps my time has been and gone, and younger songwriters, with their mastery of song and productions, and with their ears more to the streets, have captured these younger artists and modern record companies run by young executives, who don’t even know my name hardly recall my contribution in music.

Still, if it weren’t for BMI and performance income, my family would be destitute. We are not receiving any income from mechanicals or sales, as one would call it, only air play. It’s not that I am lazy and just sit back and wait for the checks. I try to earn money singing the songs I have made famous for others, but the work is hardly there for a sixty year old man who was never known as a singer, still I try. I still spend money as a self-employed songwriter, in the writing and recording of song demos for new songs and send them out in the hope that someone will like the new ones enough to record them in order to be able to be on the charts again, have current hit songs, breathe new life into my waning career, and have record “mechanical” sales and more air play, as I still have three children to put through school who live under my roof, and the usual lifestyle responsibilities that every citizen of the United States has. Perhaps my way of receiving my income seems “glamorous” to those that don’t understand the business that I am in, as a still practicing songwriter. It is not glamorous to send out several songs a month, and face rejection of those songs, to hear back that you are “old school”, and to still get up every morning and sit down at the piano and come up with pretty melodies and nice lyrics, and try try again!

I am thick-skinned, but still it gets to me. If our performance royalties were to be discontinued, I wouldn’t be able to survive, neither would all of the people I support, and millions of families just like mine, who rely on their life’s works to provide income to them while providing enjoyment to others. Without performance income and BMI, I would be a man with no dignity, who would be homeless and forgotten for my contribu-

tions to our country and my contributions world-wide for the songs I wrote that broke down racial barriers and touched people all over the world who know how to sing the songs, even though English is not their first language. This is what makes me exist, and it is with this, that I am able to get up every morning, raise my children to be people with integrity and to urge them to contribute wisely to our country, It is going to take a lot for each and every one of us to keep the faith, and to teach the young ones to be strong and positive. I feel that my music has done that for all of these years, and I feel that I deserve to be compensated for my contributions to millions of lives, even if they are not buying my old records, just listening to my old songs on radio stations that play my music.

Again, I thank you from the bottom of my heart for taking the time to read my letter, and I hope that it will help you in your crusade to enlighten those who need to know “what it is like to be a sixty year old songwriter” who needs to live on BMI performance income.

Very sincerely yours,
LAMONT HERBERT DOZIER,
Holland-Dozier-Holland.

A TRIBUTE TO DEPUTY CHIEF
JOHN “JACK” F. MCCARTHY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. LIPINSKI. Mr. Speaker, I rise today to pay my respects to a distinguished leader, family man, and deputy fire chief in my district, John “Jack” F. McCarthy, who recently passed away.

Born in 1927, in the Ogden Park Neighborhood, John had a long record of faithfully serving his country and community. He joined the Fire Department in 1951 after serving as a mechanic in the U.S. Army. In 1961 he was promoted to the rank of Captain, and three years later he was made battalion chief. In 1985, John retired from the fire department as deputy chief, having served for 34 years.

Mr. McCarthy was respected and loved by those who had the privilege to work with him and by his family. He was known for his even-handed leadership, willingness to help other, and for his studious approach to firefighting. John is survived by Patricia, his wife of 34 year, his son Kenneth, and his three daughters, Patricia McCarthy, Pamela Amico, and Marie Connolly.

Mr. Speaker, John “Jack” McCarthy’s strong dedication to his family, fire department, and the community as a whole will be sorely missed. I am certain that his legacy will live on for many years to come.

ADDRESS OF FORMER SECRETARY
OF STATE MADELEINE
ALBRIGHT AT THE MEMORIAL
SERVICE OF YITZHAK AND LEAH
RABIN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. LANTOS. Mr. Speaker, at a singularly moving memorial service for the late Prime

Minister Yitzhak Rabin and his lifelong partner Leah at the Embassy of Israel, our former distinguished Secretary of State, Madeleine Albright, spoke eloquently and with deep feeling about the contribution of this extraordinary couple, to peace and civilized life in the turbulent Middle East. I am delighted to share with my colleagues Dr. Albright's remarks.

ADDRESS OF FORMER SECRETARY OF STATE MADELEINE ALBRIGHT AT THE MEMORIAL SERVICE OF YITZHAK AND LEAH RABIN

Ambassador Ivry, Sara Ehreman, distinguished guests and friends, I am honored to be here with you tonight. Many of you had the privilege of knowing former Prime Minister Rabin better than I, but I do have some wonderful memories of my own about this warrior who made a strategic decision for peace.

I met the Rabins when he served as Ambassador here, and we had a number of encounters when I was UN Ambassador, some formal, some less so. I kept a picture of the two of us at dinner in New York, in my office throughout my tenure as Ambassador and Secretary. In my mind, however, the most dramatic picture of him was on that September day on the White House lawn, when he at first reluctantly and then firmly shook hands with Chairman Arafat. As he would say, you do not make peace with your friend.

Although by the time I knew Yitzhak Rabin, he had gray hair; I fully understand why Leah had years before fallen in love with a man with a full head of hair and what she described as "the eyes of David." He still had those amazing eyes.

Four years ago, when I made my first major speech on the Middle East, I wore this pin, shaped like a dove, a gift from Leah. Soon thereafter, I saw her in Israel, and she gave me this necklace, along with a note saying that sometimes a dove needs reinforcements. So I am in debt to the Rabins, but for far more than the jewelry.

I will not presume to speak for any of you, but for myself. I am in debt to Yitzhak Rabin for what he has given me, which is an abiding and perhaps illogical sense of hope. In my new life, I still give speeches, and am expected to make sense, even about the Middle East. But I have begun to think, "what is there left to say?" Remember what King Hussein called for that day in Aqaba when Israel and Jordan made peace? "No more death, no more misery, no more suspicion, no more fear, no more uncertainty of what each day may bring." Seven years later, what is it we have, except death, misery, suspicion, fear and uncertainty of what each day may bring? If there is any answer to that question it is the example of Yitzhak Rabin.

The former Prime Minister was no dreamer or sentimentalist. He was a doer and a realist. No one was more dedicated to Israel's survival, security and success. No one was more rigorous in drawing the distinction between right and wrong. No one was more fiercely patriotic on Israel's behalf. And no Israeli leader, before or since, has inspired such trust among Palestinians and Arabs.

It is making too much of one man to believe that if Rabin were still here, it would all be different. But how I wish we could test that hypothesis. I suspect, however, that if he WERE here tonight, he would scoff and tell us that our responsibility is not to honor him, or to think about what might have been. Our responsibility is to clean up the mess we are now in.

He would tell us, Israeli and American, to put aside any differences we might have, and to stand together, with all who love freedom and cherish peace, to defeat terror, and conquer the hate outside us while preventing its growth within us. He would remind us that

our common fate is in our hands. Our common inspiration is in the history of resilience and determination that characterize our two nations. Our common strength is in our shared faith that free people working together can achieve miracles.

According to scripture there is a season to everything. Now is not the season for pious platitudes and empty words. It is a time of testing, of walking through the wilderness, of avoiding the sinking sand, and searching for solid rock. And yet, as we gather here tonight to honor a man, share memories, and rededicate ourselves to the principles for which he died, we are not afraid; we are confident, because we know from experiences what terror can and cannot do. Terror can turn life to death, laughter to tears, and shared hopes to sorrowful memories. It can destroy a marketplace and bring down towers that scraped the sky. It can even cause us to hold our breath while opening an envelope. But it cannot deprive us of our love for liberty or our solidarity with one another; it cannot make us retreat from our responsibilities or abandon our commitments; it cannot drive a wedge between America and Israel; and it will not prevail.

Last night we turned our clocks back a single hour, marking the end of daylight savings time. It's all we have the power to do. We cannot turn back the calendar to September the eleventh, 2001, or November the fourth, 1995. We cannot alter the past. We cannot bring back the countrymen and leaders we have lost. We have no choice but to face reality.

But we CAN choose to be animated by hope, not fear; to acknowledge the presence of evil in this world, but never lose sight of the good; to endure terrible blows, but never give in to those who would have us betray our principles or surrender our ideals. We can choose the path that we know in our hearts would have been chosen by Yitzhak Rabin. The path of strength matched by compassion, of courage reinforced by faith. By so doing, we can be sure that the perpetrators of terror will fail in whatever purpose they have; and that America, Israel and all who love freedom will continue toward our rightful purpose of creating a more just and peaceful future for us and for all people.

MEDAL OF HONOR RECIPIENTS 2001 ELLIS ISLAND

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. BURTON of Indiana. Mr. Speaker, standing on the hallowed grounds of Ellis Island—the portal through which 17 million immigrants entered the United States—cast of ethnic Americans who have made significant contributions to the life of this Nation were presented with the coveted Ellis Island Medal of Honor at an emotionally uplifting ceremony.

NECO's annual medal ceremony and reception on Ellis Island in New York Harbor is the Nation's largest celebration of ethnic pride. Representing a rainbow of ethnic origins, this year's recipients received their awards in the shadow of the historic Great Hall, where the first footsteps were taken by the millions of immigrants who entered the United States in the latter part of the 19th century. "Today we honor great ethnic Americans who, through their achievements and contributions, and in the spirit of their ethnic origins, have enriched this country and have become role models for

future generations," said NECO Chairman William Denis Fugazy. "In addition, we honor the immigrant experience—those who passed through this Great Hall decades ago, and the new immigrants who arrive on American soil seeking opportunity."

Mr. Fugazy added, "It doesn't matter how you got here or if you already were here. Ellis Island is a symbol of the freedom, diversity and opportunity-ingredients inherent in the fabric of this nation. Although many recipients have no familial ties to Ellis Island, their ancestors share similar histories of struggle and hope for a better life here."

Established in 1986 by NECO, the Ellis Island Medals of Honor pay tribute to the ancestry groups that comprise America's unique cultural mosaic. To date, approximately 1,400 American citizens have received medals.

NECO is the largest organization of its kind in the United States serving as an umbrella group for over 250 ethnic organizations and whose mandate is to preserve ethnic diversity, promote ethnic and religious equality, tolerance and harmony, and to combat injustice, hatred, and bigotry. NECO has a new goal in its humanitarian mission: saving the lives of children with life-threatening medical conditions. NECO has found The Forum's Children Foundation, which brings children from developing nations needing life-saving surgery to the United States for treatment.

Ellis Island Medals of Honor recipients are selected each year through a national nomination process. Screening committees from NECO's member organizations select the final nominees, who are then considered by the board of directors.

Past Ellis Island Medals of Honor recipients have included several U.S. Presidents, entertainers, athletes, entrepreneurs, religious leaders, and business executives, such as William Clinton, Ronald Reagan, Jimmy Carter, Gerald Ford, George Bush, Richard Nixon, George Pataki, Mario Cuomo, Bob Hope, Frank Sinatra, Michael Douglas, Gloria Estefan, Coretta Scott King, Rosa Parks, Elie Wiesel, Muhammad Ali, Mickey Mantle, General Norman Schwarzkopf, Barbara Walters, Terry Anderson, Dr. Michael DeBakey, Senator JOHN MCCAIN, and Attorney General Janet Reno.

CONGRATULATIONS TO THE 2001 ELLIS ISLAND MEDALS OF HONOR RECIPIENTS

This year's recipients and their ethnic communities are Melvyn Aaronson, Treasurer UFT, (Lithuanian/Polish/Russian); Monte Ahuja, Chairman and CEO, Transtar Industries, Inc. (Indian); George L. Argyros, Chairman & CEO, Arnel & Affiliates, (Hellenic); Ted J. Balestreri, Chairman and CEO, Cannery Row Company/Sardine Factory, (Italian); Stasys J. Baras, Executive V.P., Director, Lithuanian Foundation Inc., (Lithuanian); Richard H. Bard, Chairman & CEO, Bard & Co., Inc. (Russian); Donald D. Belcher, Chairman and CEO, Banta Corporation, (Irish/Scottish); Robert A. Belfer, Chairman & CEO, Belco Oil and Gas Corporation (Polish); John Montgomery Belk, Chairman and CEO, Belk, Inc. (English/Scottish/Irish); Lawrence Peter "Yogi" Berra, Retired Yankee great, (Italian); Bill C. Beutel, WABC-TV Anchorman, (German/English); Madeline Boyd, Member of the Board, NY Mercantile Exchange, (Irish); Rick Boyko, President and CCO Ogilvy & Mather, (Ukrainian/Italian); David D. Carr, President & CEO, Brennan Industries, (Russian/English); Thomas F. Carr, President, Thomas F. Carr & Associates, Inc., (Irish); Henry J. Caruso, Chairman and CEO, HJC Investment

Corporation, (Italian); Sonny Chabra, CEO, AMC Corporation (Indian); Gus A. Chafoulias, Chairman, Chafoulias Company Inc., (Hellenic); Arthur Cheliotis, President, CWA Local 1180 Communications Workers of America, (Hellenic); Mary Higgins Clark, Author, (Irish); Hon. Una S. Tomlinson-Clarke, NYC Council Member, (Caribbean); Robert A. Cornog, Chairman, President, and CEO, Snap-On, Inc. (Welsh); Christos M. Cotsakos, Chairman & CEO, E* TRADE Group Inc., (Hellenic); George E. Danis, CEO, IntegraTECH Solutions, (Hellenic); William E. Davis, Chairman & CEO, Niagara Mohawk Holdings, (Irish/English).

Erroll B. Davis, Jr., Chairman, President & CEO, Alliant Energy, (African); Earnest W. Deavenport, Jr., Chairman & CEO, Eastman Chemical Company, (Irish/Scottish); Sr. Marion DeFeis, Chaplain, NYC Department of Corrections (Italian); Philip R. DiGennaro, Managing Director/Group Leader, TIAA-CREF, (Italian); Simos C. Dimas, Attorney, Pavia and Harcourt, (Hellenic); H.E. Bishop Stephen H. Doueihy, Office of the Bishop, Eparchy of Saint Maron of Brooklyn, (Lebanese); Nikitas Drakotos, President and CEO, M & N Management Corp., (Hellenic); Brigid Driscoll RSHM, Ph. D., President Emerita, Marymount College, (Irish); Col. Brian Duffy, Astronaut, NASA/USAF (Irish); Anthony Drexel Duke, Founder & President Emeritus, Boys & Girls Harbor, (English/Spanish); Archie W. Dunham, Chairman, President & CEO (Native American/English/Irish/Scottish/German); John R. Durso, President, Local 338, (Italian, Irish, German, Danish); Robert M. Dutkowsky, Chairman, President, & CEO, GenRad Inc., (Polish); Charles S. Ensley, President, AFSCME Local 371, (African); Joseph J. Esposito, Chief of Department NYPD (Italian); Jamie Farr, Actor, (Lebanese); James L. Ferraro, Esq., President, Ferraro & Associates, (Italian); Kenneth Fisher, Partner, Fisher Brothers (Russian).

Renee Fleming, Soprano, (Czech/Scottish/Welsh); Charles L. Flynn Jr., Ph.D., President, College of Mount St. Vincent, (Italian/Irish); Harry C. Fotopoulos, President & CEO, INT Management, (Hellenic); Joseph L. Fox, President, J. Fox Investigations, (Irish/English); William P. Galatis, Executive Director, Sports Museum of New England, (Hellenic); George G. Gellert, Chairman, Atlanta Corp., (Russian/Hungarian); Michael J. George, President, Melody Foods, Inc., (Chaldean); Lt. Col. Rodney W. Gettig, Commander, U.S. Army Garrison, (French/German); Hon. Rudolph W. Giuliani, Mayor of New York City, (Italian); Jack M. Greenberg, Chairman & CEO, McDonald's Corp., (Eastern European); Pedro J. Greer, Jr., M.D., Assistant Dean for Homeless Education, University of Miami School of Medicine, (Cuban/Irish); Gedalio Grinberg, Chairman & CEO, Movado Group Inc., (Cuban); Hon. Felix Grucci, Jr., Congressman, United States Congress, (Italian); Edward Guiliano, President & CEO, New York Institute of Technology (Italian); Charles J. Hamm, President, CEO, & Chairman, Independence Community Bank Corp., (Irish/Swiss); Marion R. Harris, CEO, International & Domestic Development Corp., (African); Alan G. Hassenfeld, Chairman & CEO, Hasbro, Inc. (Polish); Ralph Hittman, Retired Executive Director, Boys Brotherhood Republic of New York, Inc., (Austrian/Polish); David R. Holmes, Chairman, The Reynolds & Reynolds Company, (English/Irish/German); Morton P. Hyman, Chairman & CEO, Overseas Shipholding Group Inc., (Russian).

Joseph F. Inzinna, M.D., Founder & Medical Director, Medical Imaging, P.A., (Italian); U.S. Army General George Joulwan (Ret.) (Lebanese); Vice Admiral Michael P. Kalleres, USN (Ret.), Naval Fleet Com-

mander, (Hellenic); Dimitrios Kaloidis, Owner, Terrace on the Park, (Hellenic); Bozena Kaminski, President, Polish and Slavic Center, (Polish); Stephen P. Kaufman, Chairman, Arrow Electronic Inc., (Russian/Romanian/Austrian/Hungarian); Hon. Bernard B. Kerick, Police Commissioner, NYCPD (Russian/Irish); Peter E. Kilissanly, President & COO, Preferred Employers Holdings, Inc., (Lebanese); Soonja Park Kim, President, M.K. Enterprise Inc., (Korean); Richard Jay Kogan, Chairman & CEO, Scheering-Plough Corp. (Russian/Austrian/Hungarian); Evris Kontos, President & Founder, Kontos Foods, (Cypriot); John A. Koumoulides, M.A., Ph.D., Professor of History, Ball State University, (Hellenic); Richard L. Krzyzanowski, Esq., Crown Cork & Seal Company, Inc., (Polish); Vello Alexander Kuuskraa, President, Advanced Resources International, Inc., (Estonian); Ralph J. Lamberti, Executive Vice President, Staten Island University Hospital, (Italian); Evelyn H. Lauder, Sr. Corporate Vice President, The Estee Lauder Companies Inc., (Austrian); Jay Lee, President & CEO, By Design LLC, (Korean); Joseph H. Lemieux, Chairman & CEO, Owens-Illinois (English/Canadian); Howard Li, Chairman & CEO, Waitex International Co., Inc., (Chinese); Michael F. Manzulli, Chairman & CEO Richmond County Bank, (Italian); Markos Marinakis, President & CEO, MKM Chartering Inc., (Hellenic); Hon. Dominic R. Massaro, Justice, Supreme Court of New York (Italian); Joseph A. Melillo, Chairman, Richmond Investment Corp., (Italian); Samuel H. Miller, Co-Chairman & Treasurer, Forest City Enterprises, Inc. (Polish/Russian); Sidney A. Miller, Chairman, Delta Financial Corp., (Romanian/Russian); Larry A. Mizel, Chairman & CEO, MDC Holdings, Inc., (Russian/Polish).

Joseph Monti, President, Crest Hollow Country Club, (Italian); Nicola Mossa, President, Nico Hairstylists, Inc., (Italian); John H. Myers, President, GE Asset Management Inc., (German); Richard J. Naclerio, Ret. President & CEO, Naclerio Contracting Co., Inc. (Italian); Richard Nicotra, President, The Nicotra Group, (Italian); Hon. George Onorato, Senator, NY State Senate, (Italian); Paul J. Orfaea, Founder & Chairperson Emeritus, Kinko's Inc. (Lebanese); Constantine Papadakis, Ph.D., President, Drexel University & MCP, Hahnemann University, (Hellenic); Peter J. Pappas, CEO & President, P.J. Mechanical Corp. (Cypriot); John Youn Young Park, President, Four Seasons Fashions, (Korean); Margaret LaGana Pataki, Volunteer & Homemaker, (Italian/Irish); Kathleen M. Peslie, Principal, Peslie Financial Group, (Italian); Joseph Pfeifer, President, Joseph Pfeifer Foundation (German); Vincent T. Pica, Vice Chairman Voyant Corporation, (Italian); Diane Portnoy, President/Director/Co-Founder, The Immigrant Learning Center, Inc., (Polish); Leslie C. Quick, (Posthumously) Former Chairman & CEO Quick & Reilly/Fleet Securities, Inc. (Irish); Peter Quick Jr., President, American Stock Exchange, (Irish/English); Richard S. Rhee, M.D., Clinical Professor of Neurology, UMD of NJ & President of KAHF, (Korean); Daniel D. Ricciardi, M.D., Chief, Division of Rheumatology, LI College Hospital, (Italian); Marie Rust, Director N.E. Region, National Park Service, (Italian).

Jim Ryan, TV Anchor, FOX 5, (Irish); Peter John Sacripanti, Attorney/Partner-In-Charge, McDermott, Will & Emery, (Italian); Nicholas J. Sakellariadis, Managing Director, Salomon Smith Barney, (Hellenic); Charles G. Samiotes, Chairman, Samiotes Consultants, Inc., (Hellenic); Camille F. Sarrouf, Esq., Attorney, Sarrouf, Tarricone & Flemming, (Lebanese); Hon. Bret Schundler, Mayor Jersey City, (German);

Robert A. Sgarlato, President, Slater & Sgarlato P.C., (Italian); Joseph Shaker, Chairman, Shaker Advertising Agency, Inc., (Lebanese); Sinan Sinanian, President, Sinanian Development Inc. (Lebanese/Armenian); Shun Yen Siu, Chairman & CEO, Lafayette 148, Inc., (Chinese); Kaloust P. Sogioian, CEO, Director of Engineering, K P Sogioian Mfg. Inc., (Armenian); Daisy M. Soros, Philanthropist, (Hungarian); Ted G. Spyropoulos, President, TGS Petroleum Co. Inc., (Hellenic); Jerry Stillier, Actor, 2000 Medalist, (Polish); Frank Stillo, Chairman & CEO, Sandy Alexander Inc. (Italian); Christopher Stratakis, Senior Partner, Poles, Tublin, Patestides & Stratakis LLP, (Hellenic); Fred R. Sullivan, Chairman, Richton International Corp., (Irish/Welsh); Thomas C.C. Sung, Chairman & CEO, Abacus Federal Saving Bank, (Chinese); Anthony J. Szuarczawicz, President Polonia Bank, (Polish); Ivan Tiger, Secretary/Treasury New York State United Teachers, (Russian); Joseph Volpe, General Manager, Metropolitan Opera, (Italian); Farah M. Walters, President & CEO, University Hospitals Health System, (Persian); Bruce D. Wardinski, Chairman & CEO, Crestline Capital, (Irish/Polish); Ludwik Wnekowicz, President, Doma Export Co. Inc., (Polish); James G. Wood, Executive Director, New York State United Teachers, (German/Welsh); Emily Woods, Chairman J. Crew Group Inc., (Dutch/Austrian/Russian); Stephen G. Yeonas, Chairman, Stephen G. Yeonas Co., (Hellenic); Hon. Dennison Young, Jr., Counsel to the Mayor, Office of the Mayor, (Russian/Polish/Latvian) and Dr. Joseph Zagame, Philatelist, Italia Philatelic Society, (Italian).

A FEDERAL ROLE IN AVIATION SECURITY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. RAHALL. Mr. Speaker, the Federal Government must take over our Nation's aviation security system. I am proud to be an original cosponsor of H.R. 3110, the "Transportation Security Enhancement Act of 2001" which will make security screeners Federal employees.

I believe security screening must become a Federal function because, until now, the airlines have contracted out to private security companies for the lowest bidder. As a result of this arrangement, the men and women who screen passengers as they walk through metal detectors at our Nation's airports are paid low wages—just above the minimum wage—have no benefits, and have a turnover rate as high as 400 percent. They leave their jobs before they have a chance to master them. This means that people who screen passengers as they walk through the metal detectors have very little experience looking for potentially lethal weapons before passengers take their carry-on luggage aboard a plane.

I attach for the RECORD an op-ed entitled "Airport security shouldn't be hit-or-miss" by James E. Casto, Associate Editor of the Herald Dispatch of Huntington, WV. Mr. Casto writes a rather entertaining piece about being stopped at the airport in San Diego, CA, in June 1998, when a security screener spotted "something" in his bag. The "something" turned out to be a letter opener in his toiletry kit. He used it as a makeshift screwdriver to replace a screw he lost from his eyeglasses.

But woven into that entertaining piece, Mr. Casto noted that:

As September 11th made tragically clear, until now airline and airport security has been pretty much a hit-or-miss proposition.

While the screener at the San Diego airport was really on her toes, others are not. Mr. Casto noted that during a long layover in Chicago, there was a

gaggle of screeners who were laughing and apparently having a great time. I doubt they would have noticed if I'd had an A-K 47 under my arm.

Mr. Casto's message is clear, concise, complete and correct. The aviation security workforce must have consistent work standards, because they answer to a vast number of companies with inconsistent work standards. I believe federalizing the force is the surest way to achieve this goal.

When the Federal Government takes over training, supervision, and employment of security screeners, as the "Transportation Security Enhancement Act of 2001" provides, they will be subject to the highest performance standards. In addition, they will be paid decent wages and benefits, which will encourage them to stay on the job and master their jobs.

Our Nation's passengers will then be reassured that the most thorough screening of all passengers has taken place before they board their flights. This system is the best step we can take to prevent the heinous crime of September 11, 2001, from ever happening again.

AIRPORT SECURITY SHOULDN'T BE HIT-OR-MISS

I remember the incident in every detail—although I had to check back a bit to find exactly when it happened. It was June of 1998, and I was at the airport in San Diego, Calif., heading home.

I got in line at security. When my turn came, I placed my bag on the conveyor, stepped through the metal detector and reached to retrieve my bag, only to find that one of the security screeners had a firm grasp on it.

"There's something in here," she said, fixing me with the same kind of cold-eyed stare she no doubt would have given bank robber John Dillenger had he turned up in her line.

I resisted an impulse to tell her that the only contraband in my bag was some dirty socks.

"May I take a look?" she asked, delving into my bag before I had a chance to even answer.

"I don't see it," she said, as she pawed through my stuff.

"See What?" I asked.

"The machine showed a letter opener in here."

A letter opener? What the dickens would I be doing with a letter opener? Slowly, a faint memory dawned.

Unzipping my toilet kit, she reached in, fumbled around a bit and triumphantly pulled out a metal letter opener.

She summoned her supervisor, who looked even less amused than she did.

"Listen," I said, "if this is a problem, I'll simply leave the opener here. I don't need it. All I want to do is catch my plane."

I started to walk away.

"Wait," the supervisor said, "you have to fill out a form."

So I had to complete and sign an "Abandoned Property" form, giving my name and flight number, before I hurried on my way.

How in the world had a letter opener found its way into my toilet kit? Actually, the explanation was simple: One day, I lost a screw out of my eyeglasses. I used the letter opener

as a makeshift screwdriver to replace it. And, since I was on my way to the airport at the time, I threw the screwdriver in my toilet kit in case I needed it again.

But that was years before my 1998 California visit.

At the time, I estimated that I had gone through maybe 50 or so airport security checks with the letter opener tucked away in my kit. Nobody said a word about it—until I encountered that eagle-eyed female screener at the San Diego airport.

Since Sept. 11 and the terrorist attacks perpetrated by airline hijackers said to be armed with simple box cutters, I've thought a lot about my old letter opener. And about the amazing number of times I was able to breeze through airport security checkpoints without anyone saying a word about it.

As Sept. 11 made tragically clear, until now airline and airport security has been pretty much a hit-or-miss proposition.

Security checkpoints have been manned by people generally working for whatever company submitted the low bid for the contract. Often, they've been paid minimum wage and given little or no training.

Far more typical than my experience in San Diego was one I encountered when, during a long layover in Chicago, I waltzed through security several times—letter opener and all—and never got a second glance from a gaggle of screeners who were laughing and talking and apparently having a great time. I doubt they would have noticed, if I'd had an AK-47 under my arm.

Congress is debating changes in airline and airport security. The Senate has voted to have security operations taken over by the federal government. The House and President Bush favor a system that would see the federal government supervise and train private-sector employees.

As for me, I think I'd favor tracking down that tough-as-nails screener I encountered out in San Diego and putting her in charge.

CONGRATULATING COURT APPOINTED SPECIAL ADVOCATES (CASA) OF FRESNO COUNTY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the Court Appointed Special Advocates (CASA) of Fresno County for earning national recognition for their exemplary volunteer service in the community. CASA of Fresno County has been named one of California's top honorees for community service.

CASA of Fresno County is a nonprofit organization which advocates for the best interest of abused and neglected children within the Juvenile Court system. Based on the belief that every child is entitled to a safe and permanent home, CASA works in the court system through trained volunteers in collaboration with key agencies, legal counsel and community resources to serve as the child's advocate and voice in the dependency process. CASA advocates are recruited from Fresno County's culturally diverse communities and trained by qualified community professionals, counselors, and educators.

In late 1998, Fresno was one of the four counties awarded a 3-year demonstration project by the Stuart Foundation to focus on infants and toddlers under the age of 3. In collaboration with Fresno County Department of

Children and Families, and other agencies, CASA of Fresno County created an innovative infrastructure of new health and development programs for infants and toddlers and is being cited as a model by the State of California for other counties.

Mr. Speaker, I rise to congratulate CASA of Fresno County for receiving national recognition for their exemplary volunteer service in the Fresno community. I urge my colleagues to join me in wishing CASA of Fresno County many more years of continued success.

CONGRATULATIONS TO BLUE SPRINGS SOUTH JAGUAR PRIDE MARCHING BAND

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. GRAVES. Mr. Speaker, I rise today to recognize the accomplishments of the Blue Springs South Jaguar Pride Marching Band and the Band Director John Robichaud.

The band, under the leadership and direction of Mr. Robichaud, was selected to participate in the Tournament of Roses Parade on January 1, 2002. Being selected to perform on the national stage is a tremendous honor. Their hard work and dedication will be an excellent representation of the people in the Sixth Congressional District.

All the students, parents, teachers, and administrators at Blue Springs South High School should take pride in this commendable achievement. This outstanding band is deserving of all the accolades it receives.

I commend Ronald Okum, Tournament of Roses President and the rest of the selection committee for selecting the Jaguar Pride Marching Band and once again congratulate Mr. Robichaud and the students of the Blue Springs South Band for their dedication and hard work. You make the sixth district proud.

HONORING MR. JOSEPH ROBERTO OF MIDLAND PARK, NJ

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mrs. ROUKEMA. Mr. Speaker, I rise today with a heavy heart to honor the life of Joseph Roberto of Midland Park, NJ. On September 11, Joseph was killed while conducting the nation's economic business in the World Trade Center. As a dedicated family man, intelligent financial analyst, and true American patriot, Joseph Roberto lived his life with a passion. And although he may have been taken early from this life, his children will grow up knowing that their father was a hero to his family, and now a hero to his country.

That Tuesday, Joseph went to work for Keefe, Bruyette and Woods like always. As a vice president and research analyst, he worked hard to provide for his family and create a good life in Midland Park. Like so many Americans that morning, Joseph was dutifully doing his job, however what happened next changed our nation.

Thousands were killed that day, with thousands of stories left to be told by their families.

The void these individuals have left in their communities is vast. Words and medals cannot make up for their absence. But in their deaths, the victims of the World Trade Center attack have come to symbolize all that we love in America. The terrorists attacked these towers because they represented America's democracy, economic prosperity, diversity, and freedom. Joseph embodied these ideals in his work and his life, and for that reason, he was a target of these terrorist attacks.

We may not know the details of Joseph's final moments, but we know what his death has done for our country. From this tragedy, a tremendous pride in our country has emerged. We are stronger, more determined, and more united. Signs in New York City storefronts read: "I LOVE NEW YORK MORE THAN EVER." American flags hang in windows, doorways, fences, and wherever space can be found. A tremendous outpouring of charity donations and blood donations has swept across the Nation. Franklin Delano Roosevelt called this "the warm courage of national unity." With this American courage and unity, we will win our war against the men who terrorized our Nation and stole these lives. We are a nation united, now more than ever. And for this we are tremendously grateful to Joseph Roberto. For a man who loved his country, his death brought his country closer together.

Joseph has the admiration and thanks of an entire Nation. His family can be assured that this Nation will never forget the atrocities of September 11 or the values Joseph died for. Our country has come together. And we now come together to tell Joseph's family they are not alone. America stands with them—now in their hour of grief, and in the days and years to come.

Mr. Speaker, I ask my colleagues to join me, the Bergen County community, and our country in honoring Joseph Roberto for his achievements in life and the legacy he leaves. As his children grow in our unified country, we will tell them about their father, an American hero.

HONORING THE RETIREMENT OF
GENERAL JOHN G. COBURN

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. FLETCHER. Mr. Speaker, it has come to my attention that General John G. Coburn is retiring after 37 years of exemplary active military service in the United States Army. He served his country with dignity, honor, courage and integrity.

General Coburn is a native of the great state of Kentucky and a distinguished military graduate of Eastern Michigan University where he was awarded a Bachelor of Arts degree in Education in 1962 from Eastern Michigan University and commissioned as a second lieutenant of Infantry. He earned a Master of Arts degree in Political Science and is a graduate of the Industrial College of Armed Forces, Fort McNair and Washington, D.C. General Coburn also has a Juris Doctor degree from the University of Missouri and is licensed to practice law before the Supreme Court, State of Michigan; Supreme Court, State of Kentucky; District of Columbia Court of Appeals; the United

States Court of Military Appeals and the Supreme Court of the United States.

General Coburn is a world-class logistician, who served our nation brilliantly in numerous logistics assignments throughout his career, to include his prior assignment as the Deputy Chief of Staff for Logistics, Department of Army from 1996 to 1999; Deputy Commanding General, AMC, Alexandria, Virginia and Commanding General, U.S. Army Ordnance Center and School, Aberdeen Proving Ground, Maryland. He was also the Deputy Chief of Staff for Logistics, U.S. Army Europe and Seventh Army, Germany from 1991 to 1992. Prior to that, he served as the Deputy Commanding General, 22d Theater Army Support Command, Saudi Arabia from April 1991 to July 1991, and as the Deputy Chief of Staff for Procurement, U.S. Army Materiel Command from 1989 to 1991. From the jungles of Vietnam to the Sands of Saudi Arabia, to the floors of our nation's depots, General Coburn brought astute judgment, bold leadership and selfless service to our Army.

Other major command assignments of outstanding service include Commander of Materiel Readiness Support Activity, Lexington, Kentucky, from 1987 to 1989; Commander, Division Support Command, 2d Armored Division, Fort Hood, Texas, from 1984 to 1986; Commander, 124th Maintenance Battalion, 2d Armored Division, Fort Hood, Texas, from 1980 to 1982; Commander, Defense Contract Administration Services Management Area, Defense Logistics Agency, South Bend, Indiana, from 1978 to 1980; and Plant/Depot Commander, Taiwan Materiel Agency, AMC, Taiwan, from 1971 to 1973. After returning from Taiwan, General Coburn attended the U.S. Army Command and General Staff College, Fort Leavenworth, Kansas.

General Coburn's staff assignments include: Assistant Chief of Staff, G-4 (Logistics), 2d Armored Division, from 1982 to 1983; Executive Officer, Battlefield Systems Directorate, Headquarters, AMC, from 1977 to 1978; Procurement Officer, Procurement and Production Directorate, Headquarters, AMC; Senior Advisor, Training and Personnel, U.S. Army Engineer District-Saudi Arabia, Riyadh, Saudi Arabia, from 1975 to 1977; Executive Officer, Defense Contract Administration Services Region, Defense Supply Agency, New York, NY, from 1968 to 1971; Assistant G-3 (Operations), II Field Force Vietnam, U.S. Army, Vietnam, from 1967 to 1968; and Special Weapons Platoon Leader, Savanna Army Depot, Illinois, from 1963 to 1964.

General Coburn's military decorations include the Defense Distinguished Service Medal, the Distinguished Service Medal, Legion of Merit with three Oak Leaf Clusters, Bronze Star with two Oak Leaf Clusters, Defense Meritorious Service Medal, Meritorious Service Medal with four Oak Leaf Clusters, Joint Service Commendation Medal, Army Commendation Medal, the Southwest Asia Service Medal, and the Kuwait Liberation Medal.

The General is concluding his illustrious career as the Commanding General of the U.S. Army Materiel Command (AMC) from May 1999 to October 2001. General Coburn's extraordinary leadership extended around the globe commanding one of the largest commands in the Army, with over 50,000 military and civilian employees, and activities in 42 states and over a dozen foreign countries. The

AMC missions are intricate and complex, ranging from developing sophisticated weapons systems and cutting edge research to maintaining and distributing spare parts. It is the one place in the Army where technology, acquisition, and logistics are integrated to assure Army readiness. With General Coburn at the helm, AMC led the Army in sustaining the nation's defense industrial base with the right combination of maintenance depots, ordnance plants, arsenals and innovative industry partnerships. General Coburn is known as one of the foremost leaders in transforming the Army. His strategy in building AMC as the conduit for new technologies is making the Army more lethal, lighter and readily deployable thus setting the path for the future.

Mr. Speaker, General Coburn deserves the thanks and praise of the nation that he faithfully served for so long. I know the Members of the House will join me in wishing him, his wife, Janice and their three sons, John, Robert and Matthew, all the best in the years ahead.

CONGRATULATING THE CHOOKASIAN
ARMENIAN CONCERT ENSEMBLE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the Chookasian Armenian Concert Ensemble on their work to preserve traditional Armenian music. The Chookasian Armenian Concert Ensemble is the only traditional performing Ensemble of Armenian music in the United States.

John Chookasian, a premier clarinetist, is the founder of the Chookasian Armenian Concert Ensemble. He has been playing Armenian folk music for over 35 years. John holds a graduate degree from the University of Nevada in music and education. He also taught Music and Ethnic Studies at U. of N. for 3 years. He and his wife Barbara have made it their life's mission to preserve ancient Armenian music for future generations.

The Chookasian Armenian Concert Ensemble has been performing since 1994. The ensemble performs the classical, folkloric, and troubadour musical works of the 16th to 20th centuries. The main aspiration of the ensemble is to preserve, promote, and perpetuate the music of the Armenian people, as well as to promote intracultural understanding.

In 1999, the President of Armenia, Mr. Robert Kocharian, invited the ensemble to present a series of concerts in Armenia and Karabagh. At this concert series the ensemble was presented with the prestigious "National Gold Medal Award of Armenia," thereby making them the only musical group in the United States to receive such an honor from the Armenian Government.

Mr. Speaker, I rise to recognize the Chookasian Armenian Concert Ensemble for working to preserve the tradition of Armenian music. I urge my colleagues to Join me in wishing the Chookasian Armenian Concert Ensemble many more years of continued success.

INTRODUCTION OF RESOLUTION
ON CLEAN WATER**HON. SHERWOOD L. BOEHLERT**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. BOEHLERT. Mr. Speaker, I am pleased to introduce a concurrent resolution regarding the 30th anniversary of the Clean Water Act (CWA) and encouraging citizens and government to recommit to meeting the Act's ambitious goals.

First, let me thank my colleague and friend, Senator CHRISTOPHER "KIT" BOND, for introducing the same measure in the Senate. The resolution we introduce today is very similar to the resolution enacted into law in 1992. That legislation designated 1992 as the "Year of Clean Water" and celebrated the Act's 20th birthday. Both measures are largely the result of efforts by our nation's state water quality managers, specifically the Association of State and Interstate Water Pollution Control Administrators, and America's Clean Water Foundation, which will coordinate the "Year of Clean Water." I want to thank them for their support in not only advancing this legislation but, more importantly, carrying out the nation's water quality programs on a daily basis.

This resolution signals the beginning of a year-long campaign for clean water through public education, civic involvement, and improved coordination among government, business, and community groups. The upcoming "Year of Clean Water" will culminate on October 18, 2002, the 30th anniversary of the CWA, and include volunteer cleanups, water quality monitoring events, watershed protection summits, and other events to celebrate the Act and strengthen the commitment to cleaner, safer water throughout the country.

The CWA has made dramatic progress over the years in cleaning and protecting the nation's waters through regulatory controls, partnerships, and financial assistance to states and municipalities. While we should celebrate the upcoming 30th anniversary and water quality achievements to date, we must also improve our efforts to tackle persistent and emerging challenges—including nonpoint source runoff, acid rain, and wetlands destruction. In order to succeed in the long term war on water pollution, we'll need to continuously improve the science and foster creative performance-based partnerships. That's why the resolution specifically recognizes the need for further development and innovation of water pollution control programs and advancement of water pollution control research, technology, and education.

Mr. Speaker, I urge my colleagues to co-sponsor this bipartisan and bicameral legislation. I look forward to working with the leadership of the House Transportation and Infrastructure Committee and Senate Environment and Public Works Committee. I also look forward to working with the Administration, which I know is already planning efforts to celebrate the Year of Clean Water.

IN TRIBUTE TO JOE PATERNO

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. WOLF. Mr. Speaker, I must admit to my colleagues today that my Penn State alumni pride is showing.

This past Saturday in State College, Pennsylvania, Penn State head football coach Joe Paterno made history. When the Nittany Lions came from behind to defeat Big Ten rival Ohio State by a score of 29–27, it marked the 324th win for Coach Paterno, affectionately known as "Joe Pa."

Why was that win so special? It made Coach Paterno the winningest major college football coach in history. That victory surpassed the former record of 323 wins held by the legendary Paul "Bear" Bryant.

What makes the record so special, too, especially for Penn State alumni and fans, is that all those wins have come as Coach Paterno paced the sidelines as head coach for the Pennsylvania State University, where he has spent his entire coaching career.

We salute Coach Paterno, his wife Sue and his family, all the teams he has lead over the years to victory and all the young men who have not only learned how to play football under his tutelage, but who have learned life lessons from one of the best teachers they could ever have.

Here's to 324 and counting.

Mr. Speaker, I submit for the RECORD an Associated Press article from the Sunday, October 28, 2001, edition of the Washington Post which reports on Coach Paterno's record-breaking win.

[From the Washington Post, Oct. 28, 2001]

PATERNO'S 324TH WIN MOVES COACH INTO 1ST

State College, PA., Oct. 27—Joe Paterno spent the last three months saying his chase for the major college victory record was no big deal. Now that he's got it, he's changing his tune.

"You never think it's going to be a big deal until it happens like this, with this many people," Paterno said today after his Nittany Lions rallied from an 18-point deficit to beat Ohio State, 29–27. "It's just hard to describe. But I'm a very, very lucky guy to be at an institution such as Penn State with all these fans."

The win was No. 324 for Paterno, who passed Paul "Bear" Bryant for the record. Paterno has spent his entire coaching career at Penn State, serving as an assistant for 15 years before becoming head coach in 1966.

Paterno came into the season one win behind Bryant but was questioned and criticized—even by some of the Penn State faithful—after his team started 0–4. He tied Bryant last week with a 38–35 win at Northwestern.

Ohio State Coach Jim Tressel said brief congratulations to Paterno, then quickly went to his locker room.

"I have respect for his tremendous career, but that moment was for he and his team," Tressel said.

After the game, in the understated style Penn State fans have come to expect, Paterno praised his team, hugged his wife and held his grandchildren at a ceremony at midfield.

"I can't tell you how proud I am of this football team," Paterno told the crowd. "They could have packed it in a long time

ago. But they came back last week, and they came back today, and I tell you they're going to be one hell of a football team."

The game solidified freshman Zack Mills' spot as Penn State's lead quarterback. Mills, a graduate of Urbana High School who came in on the Nittany Lions' second possession after Matt Senneca started, threw two touchdowns and broke his own freshman passing record with 280 yards. He completed 17 of 32 passes and also ran for 138 yards and a touchdown.

INTRODUCING THE STAFFING FOR
ADEQUATE FIRE AND EMERGENCY
RESPONSE (SAFER) ACT
OF 2001**HON. GENE GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. GREEN of Texas. Mr. Speaker, in the aftermath of the heinous attacks against our nation on September 11, we have discovered many things that our society has taken for granted. Foremost among these is the selflessness and dedication of our nation's fire fighters.

These brave men and women who have for so long protected our homes, families, and communities, are now being asked to fill a new, expanded role beyond simply putting out fires. Fire fighters engage in search and rescue activities, respond to natural disasters like floods, tornadoes, and hurricanes, and are on the front lines in the fight against terrorism, especially the growing threat of chemical and biological warfare.

However, two-thirds of all fire departments in America are inadequately staffed and do not meet the National Fire Protection Association (NFPA)'s 1710 Standard, which recommends no less than four fire fighters per vehicle. My hometown of Houston, center of our nation's petrochemical industry, location of our nation's second-largest port and home to a former president, is a prominent target for terrorist attacks. Tight budgets have led to a shortage of fire fighters, and have put an increasing strain on the ability of the Houston Fire Department to respond. Other jurisdictions across America suffer from similar staffing shortages.

That is why I am introducing the Staffing for Adequate Fire and Emergency Response (SAFER) Act of 2001. This legislation will ensure that we have an adequate number of well-trained fire fighters who can fill that expanded role as first responders to fires, emergencies, and terrorist attacks, including chemical and biological attacks.

The SAFER Act would establish a seven-year grant program, closely modeled after the successful Community Oriented Policing, Services (COPS) program. This program would add an additional 75,000 fire fighters in departments across America. Under SAFER, the Federal government would cover 75% of the salary and benefits for a three-year period, with the grantee covering the remainder of the cost. The local departments would then be required to retain that position for at least one additional year. Based on the experiences of the COPS program, once an agency has invested four years in an individual, it is likely that they will be retained.

In the wake of the attacks on the World Trade and Pentagon, Congress has the responsibility to assist states and communities in protecting Americans from future terrorist incidents. I hope that Congress will act quickly and pass this legislation that will strengthen our homeland defense by providing our fire fighters the manpower they need to protect us from this expanded threat.

HONORING EDWARD D. HUNTER

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. GILMAN. Mr. Speaker, I am pleased to rise today in recognition of Edward D. Hunter who will be honored during The Maple Leaf Ball on November 2, 2001 as the recipient of the Gold Medal from the Canadian Club of New York, for his distinguished service in furthering amicable relations between Canada and the United States.

Mr. Hunter was born in Campbellville, Ontario on June 21, 1919. After graduating from the Milton Business College, he began, at the early age of 15, working at The Bank of Nova Scotia. He served at several Ontario branches, then entered the Canadian Armed Forces from 1941-1946, stationed mostly in the United Kingdom. Upon his return to Canada, he immediately resumed his career with The Bank of Nova Scotia, and was first assigned to the Dominican Republic. For twenty-two years, he represented the bank throughout the Caribbean, mostly in Santo Domingo, where he was promoted to Manager. In the years that followed, Mr. Hunter was stationed in San Juan, Puerto Rico; Beirut, Lebanon, and lastly in Athens, Greece.

In 1972, Mr. Hunter came to New York to be in charge of the bank's operations. For fifteen years, he became a well-known, respected member of the community. He retired in 1997 after fifty-two years of service to the bank. However, he is still often found in his office that the now "Scotiabank" has provided to him. He has held numerous leadership roles in the past including: President of the Santo Domingo Country Club, President of the Canadian Club of New York, President of the Canadian Society of New York, and honorary Life Member of the Institute of International Bankers, to name just a few.

In Ed Hunter's many years of service to the bank, especially while in New York, he has always strived to improve and cherish both his heritage in Canada, and the United States where he has spent almost two decades. He has fostered and strengthened relations between the two nations in all his activities, but never more diligently than when he served as the President of the Canadian Club of New York. During his term, he was able not only to reach out to others in the community, but also by setting an example of dedication, determination and poise.

Ed is being honored with the Gold Medal at this year's "Maple Leaf Ball," which is hosted by the Canadian Club of New York, The Canadian Society and The Canadian Women's Club of New York. Together, these three organizations form The Maple Leaf Alliance. This alliance provides charitable support, social, cultural and professional events to its members, and the surrounding community. These organizations have chosen Ed Hunter as the recipient of the Gold Medal, which is only bestowed upon those who embrace the ideologies, dedication, and determination that embodies these three organizations. He will be joining a distinguished list of honorees including, the Honorable Cordell Hull, former Secretary of State for the United States; The Right Honourable William Lyon Mackenzie King, former Prime Minister of Canada; Her Majesty, Queen Elizabeth, the Queen Mother; and His Excellency Berry Connell Steers; the Canadian Ambassador to Japan.

Accordingly, I invite my colleagues to join in saluting Edward Hunter as the Gold Medal recipient from the Canadian Club of New York, and for his many years of service fostering a positive relationship between the United States and Canada.

RECOGNIZING THE JUVENILE DIABETES FOUNDATION

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize the Juvenile Diabetes Foundation for continuing their efforts to fund diabetes research and education.

The Juvenile Diabetes Foundation (JDF) was founded in 1970 by parents of children with diabetes. The foundation was created with the mission of finding a cure for the disease and its complications through the support of research.

The JDF is a professional organization that is one of the nation's most cost-efficient charities, providing at least 80 cents of every dollar to research and education about research. By 2001, JDF's commitment to its mission will increase to \$100 million per year.

Since their inception, JDF has provided over \$326 million for diabetes research, more than any other non-profit non-governmental health agency in the world. Events like the Walk to Cure Diabetes are important community activities that continue the fight against this debilitating disease.

Mr. Speaker, I rise to recognize the Juvenile Diabetes Foundation for their fight against diabetes. I urge my colleagues to join me in wishing the Juvenile Diabetes Foundation many more years of continued success.

SHIXIONG LI LETTER DESCRIBING RELIGIOUS PERSECUTION IN CHINA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. WOLF. Mr. Speaker, as co-chairman of the Congressional Human Rights Caucus, I want to share a letter I recently received from Shixiong Li, president of the Committee for Investigation on Persecution of Religion in China, Inc., regarding religious persecution in China. The letter notes that the passing of permanent normal trade relations (PNTR) has had a grave effect on House Church believers. A graph identifying the number of persecuted House Church believers shows an alarming increase of those being persecuted by the Chinese government since the passing of PNTR.

I look forward to the day when the citizens of China will be free to worship the religion of their choosing and enjoy the basic human right of religious freedom.

COMMITTEE FOR INVESTIGATION ON PERSECUTION OF RELIGION IN CHINA, INC.

A TRUTH-FINDING INVESTIGATIVE TABLE OF CHINESE GOVERNMENT'S PERSECUTION OF FAMILY CHURCHES

Preface, October 9, 2001

For more than nine months, our members have done a lot of concrete things in the U.S. and China. In Mainland China alone, more than ten thousand believers have secretly participated in the task of collecting and compiling materials on religious persecution. Under China's "modernized despotism," this task, however dangerous it may be, is worth doing, for what it produces is strong evidence of the Chinese government's persecution of religion rather than information based estimation or guess-work. It is a record of Chinese communist crimes of treading on human rights, with lists of true names of the victims and the real location where abuse took place. For the participants, nothing is more dangerous than publicizing their name list. This is the reason that for now we can only put out name lists of those who are dead, handicapped, imprisoned, under surveillance or on the run. Other name lists will not be revealed, but numbers of the persons on each of these name lists are given. In addition, name lists of abusing public security men and women are shown.

A CONTRASTIVE TABLE OF NUMBERS OF FAMILY CHURCH BELIEVERS PERSECUTED BY THE CHINESE GOVERNMENT BEFORE AND AFTER THE PASSAGE OF PNTR

[Date of tabulation: October 2001]

	1983 to May 23, 2000	May 24, 2000 to September 2001
Persons arrested	20,861	2,825
Persons in labor reform or labor reeducation ..	3,692	322
Persons wanted by the authorities	7
Persons forced to be on the run	1,104	441
Persons abused to death	126	3
Persons abused to handicapping	204	4
Persons under surveillance	892	105
Persons fined	8,397	1,288

A TRUTH-FINDING INVESTIGATIVE TABLE OF CHINESE GOVERNMENT'S PERSECUTION OF FAMILY CHURCHES

[Date of tabulation: October 2001]

Time	Persons arrested	Persons in labor reform or labor reeducation	Persons wanted by the authorities	Persons forced to be on the run	Persons abused to death	Persons abused to handicapping	Persons under surveillance	Persons fined
1983	1,584	426	29	11	13	56	28

A TRUTH-FINDING INVESTIGATIVE TABLE OF CHINESE GOVERNMENT'S PERSECUTION OF FAMILY CHURCHES—Continued

(Date of tabulation: October 2001)

Time	Persons arrested	Persons in labor reform or labor re-education	Persons wanted by the authorities	Persons forced to be on the run	Persons abused to death	Persons abused to hand-capping	Persons under surveillance	Persons fined
1984	111	29		5	2	2	4	9
1985	169	44		5	3	1	6	35
1986	367	53	2	9	6	1	9	31
1987	855	264		25	4	5	17	169
1988	654	103		7	3	4	24	171
1989	724	97		29	4	9	24	213
1990	638	83		13	6	6	24	162
1991	767	156	1	30	9	5	22	324
1992	981	111		13	7	17	39	340
1993	822	151		44	6	7	34	409
1994	1,733	175		42	6	18	69	749
1995	2,853	554		198	25	33	111	1,661
1996	2,360	479	1	146	13	29	126	1,200
1997	1,826	371		122	9	23	95	1,014
1998	1,500	278	1	158	7	21	95	713
1999	2,070	249	2	166	3	10	93	970
2000	991	140		145	2	2	89	479
2001	2,681	251		359	3	2	60	1,008
Totals	23,686	4,014	7	1,545	129	208	997	9,685

Bayside, NY, September 1, 2001.

DEAR HONORABLE CONGRESSMAN WOLF: On behalf of the 23,686 and ever increasing number of Chinese Christian prisoners who have been imprisoned because of their religious faith, I want to extend my deep gratitude to you and your colleagues for your consistent and continual concern for the ongoing religious persecution in China. The meeting we had the other day itself was encouraging in demonstrating that there are still some courageous men and women in this great country who are willing to listen to the voice of the persecuted faithful. Though many of you might have heard in the past few years that China's human rights and religious freedom record had been "greatly improved," if you were to let the truth and facts speak for themselves, you would have a different picture. So what has really been happening to millions of the silenced underground church believers in China?

To celebrate its victory in the US Congress of the passage of PNTR, and correspondent defeat of those like you who had been concerned with the issue of China's religious persecution, the Chinese Communist Party (CCP) has launched more campaigns against religious believers recently without any concern of international pressure being applied at all. To the contrary, their response has been to strike harder and more ruthlessly than ever on house-church believers. If there was any meaningful signal to religious persecutors in the past, it was the annual congressional review of PNTR which at least served as a helpful tool, if not the most effective one, to contain the human right abusers in China, or at least to alert China that the situation was one of concern to the US. Regrettably, even this, one of the last means to rein in Chinese human right abuses, has been removed in Congress in the name of the "American economic interest." All that you can do now to improve CCP's "deteriorated" human rights record is to wait for the collapse of persecutors who are well-aided by "American economic interest group."

We are all people under God. Though practicing different faiths, we all put our trust in the One and only true god. While noting the importance of economic interest, nevertheless we should never sacrifice human rights and religious freedom in exchange for bread and toys. Moreover, according to our independent investigation by some ten thousand house-church believers inside China, even children have become prey to the Chinese religious persecutors just because their mothers and fathers are members of the house-church. How depraved we would be to neglect hundreds of thousands of crying, scared, hungry children—many of whom have no home to go—just because their parents are believ-

ers in God and members of house-churches! With their homes destroyed as "illegal religious sites" and their schools rejecting them as "unfit for communist education," these children wrote down their stories and experiences with trembling hands and fearful tears. (Please see the attached two children's testimonies written in their own hands.)

Dear Congressman Wolf, here I want you to pay special attention to one fact: the passage of PNTR has had a grave effect on the fate of house-church believers. Before the passage of PNTR, in the eighteen years that we have had records of the Chinese house-church movement, the average number of believers forced to flee their homes because of persecution was 63 each year. However, that number has increased to 330 just one year after the passage of PNTR, a five-fold increase. Moreover, before the passage of PNTR, the average number of people arrested was 1,192 per year, and now that number has increased to 2,118, a 70 percent increase. In addition, house-church believers have been experiencing much greater pressure than ever before from the fact that anyone who is accused as a believers in God is subject to persecution by local police. Numerous believers have been arrested, tortured, and imprisoned for distributing church-related materials.

Based on the above facts, I have three specific requests of Congress:

First, we plead for Congress to ask President Bush to show his extensive concern over the issue of China's religious persecution when he pays his state visit to China next month. He can accomplish that by submitting to President Jiang Zemin the list of names of Chinese religious prisoners; requesting their immediate release according to Article 36 in China's Constitution which claims "Chinese people have the freedom of religious belief"; and recommending the Chinese government compensate those who have been the victims of the persecution.

In addition, we ask President Bush to submit another list of the at least 789 severe persecutors, including some senior officials such as Mr. Kun Cao, deputy director of the Public Security Bureau (PSB), Nongan county, Jilin province; Mr. Lianshen Zhang, deputy director of PSB, Xinqu district, Tangshan city, Hebei province, and Mr. Qing Guo, director of PSB of Yeji branch, An county, Anhui province. President Bush should press Chinese President Jiang to prosecute those criminals, along with the law enforcement officials who abused their power by carrying out religious persecution using China's own Criminal Justice Law and other laws that have been perverted as a means of persecuting rather than protecting the Chinese citizenry. (Please see the attached respective lists.)

Second, we ask the US Congress to continue to monitor China's deteriorated human rights record, particularly with regard to religious persecution. Please press the cases of religious prisoners and their children by seeking their release and justice for them, which should include a trial of the criminal police.

Our third and final request is that the Congress continue its moral endorsement and support of those conscientious people who advocate and help those who are persecuted because of their religious belief; that it pass legislation to prevent and foreign government or its affiliated organizations from monitoring, threatening, and harassing the groups and individuals based in the United States who fight for religious freedom in China.

May the day of true religious freedom in China soon arrive!

Thank you for giving me this opportunity. May God be with you!

May God bless the American Congress and its people!

SHIXIONG LI,

*President of Committee for Investigation
on Persecution of Religion in China.*

CHILDREN'S TESTIMONIES

TESTIMONY NO. 1

At about 5 pm, I found a police car parked behind our house when I returned home after class. I was very surprised. I hurried back home and found several policemen conducting an intensive search of our home.

"Do you and your mom still believe in God?" a policeman shouted to me when he saw me come in.

"Yes, is there anything wrong with believing in God?" I replied nervously.

"It's not a matter of right or wrong. It's a matter that you are not allowed to believe that."

I was scared to death when one policeman approached me and asked, "What's your name?"

"How old are you? Where are you studying?"

After awhile, I heard one policeman shout to my mom, "You have to come with us today."

I was left alone, watching my mom being dragged out to the police car. With extreme darkness outside and the echoing of the policeman's shouting, I burst out crying suddenly. After many hours, my mother came back at midnight and told me that she was told that the matter was finished. After that I was always afraid that someday my mom would be arrested. And, it did happen at noon, when I came back home to find the door locked.

"Your Mom was taken away by the policeman," a neighbor told me. I wandered around the house, waiting for Mom in a long, suffering afternoon without having anything to eat. At about nine in the evening, Mom came back with bruises and told me with tears: "Mom has to leave. They (the police) won't let me stay at home any longer." I couldn't accept that. Lying on the bed without sleep, I wondered: Is Mom going back home again? What shall I do? Who will cook for me? Who will pick me up from school? The next morning, I knew Mom was leaving but I pretended not to care about this while a river of tears flowed in my heart.

I found the door was locked and Mom had left that afternoon after class. I was very anxious and desperate so I had to find a place to stay. I went to stay at my cousin's home.

At that time I thought the school was my only place to find some rest. But the police would not even let me go. In the beginning, they tried to know where my parents were by asking my teachers to question me. The fact is I really knew nothing about that except they were working somewhere. Then the police started following me everyday from school to my cousin's home after class. One day, a policeman rushed into my cousin's home and threateningly told me, "It's hard for us to believe that you don't know where your parents are. It's impossible that there is no communication between you and your mom. Sooner or later we'll find and arrest her even if you don't tell us." The most terrifying thing happened when two policemen stormed into my cousin's home the night before I had to take a major entrance exam for high school. They searched everything everywhere, upside down, and warned me before they left, "It's not possible that your Mom won't come back when you take this entrance exam. You will be severely punished according to the law if you don't report it immediately." My heart was so stirred and terrified that I couldn't continue to review my class notes. Nobody from my relatives came to meet me the next day after the exam; only a few policemen were watching me with suspicious and evil eyes. They followed me wherever I went. And I failed to enter senior high school. My brother-in-law and all my other relatives could not receive me because of the police's harassment. How much more pressure could I bear as a teenage girl? Having to throw away the beloved books of my education and ideal without knowing what my tomorrow will be, I am still walking outside my hometown, living life like a real wanderer.

TESTIMONY NO. 2

Somebody reported to the public security bureau that my whole family believes in God. My parents had to run away from home that night after hearing about that. Suddenly I was left alone in our three-bedroom house that night. I was so terrified that I turned on all the lights in the house. I started crying and asking myself: Is Mom going to come back? How could I live my life after this? How could I bear the suffering of being separated from Mom who always cares most about me?

After that, I had to stay at my grandma's home. But the police turned their attention onto me in order to find my parents. In the beginning, they tried to get information about my parents' whereabouts by asking my teacher to question me. Failing to get any information, they started harassing me by following me daily after school. I was so isolated that nobody at my school dared to stay with me because there were always policemen around me wherever I went. Every morning when I walked to school from grandma's house, a policeman came up and "escorted" me and sometimes interrogated me as if I were a criminal.

Because both my grandparents were over seventy years old and very ill, they were not able to take care of me. And none of my relatives were willing to invite me to stay with them because of the fear of police. I had to leave my beloved school with tears. I am now really a wanderer. Whenever I wander around a school watching other children playing games, I cannot help bursting out into tears. When can I resume my school?

TRIBUTE TO MARY ALICE RYAN

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. CLAY. Mr. Speaker, I rise today to pay special tribute to Mary Alice Ryan, president and CEO of St. Andrew's Episcopal-Presbyterian Foundation in St. Louis, Missouri, and for the past two years National Chairperson of the American Association of Homes and Services for the Aging (AAHSA). Through her work with St. Andrew's, and her active participation in aging-services organizations in St. Louis, and at the national level, Mary Alice Ryan continues to make a truly considerable difference in the lives of many older Americans.

Ms. Ryan has been a member of AAHSA since 1979, and has served in a number of leadership capacities. On November 2, at AAHSA's 40th Annual Meeting and Exposition in San Diego, Ms. Ryan will complete her term as the organization's chair, having served as its top elected leader since 1999. Prior to that, she served with distinction on the association's House of Delegates and as the treasurer for its Board of Directors. Over the years, Ms. Ryan has worked on a number of the association's committees, including professional development, assisted living, and continuing care. She also chaired AAHSA's state affiliate, the Missouri Association of Homes for the Aging, in 1986.

As President and CEO of St. Andrew's Episcopal-Presbyterian Foundation, Ms. Ryan oversees several facilities throughout the St. Louis metropolitan area that provide a wide range of services to seniors, including nursing home care, assisted living, and independent senior housing. In addition to serving its own residents and clients, St. Andrews shares its expertise with other long-term care providers, assisting them in building, establishing, and operating high-quality housing and services for seniors.

Although she is stepping down from AAHSA's chairmanship, Ms. Ryan will continue to serve on AAHSA's board as it strives to advance the association's vision. That vision, espoused by AAHSA's 5,600 not-for-profit member organizations, calls for the development of a healthy, affordable, and ethical system of long-term care and services for older adults and others with special needs.

Mr. Speaker, I ask that my colleagues join me in recognizing Mary Alice Ryan for her distinguished record of service to older Americans.

PAYING TRIBUTE TO HAROLD
KREUGER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Harold Kreuger on being awarded the John Campanius Holm Award on October 27, 2001 that is presented by the National Weather Service. Harold is one of only twenty-five people to receive this distinguished award and it is an accurate reflection of the hard work, discipline and patience that Harold has displayed throughout his career.

Mr. Kreuger will be receiving this award in honor of his exceptional service in the Cooperative Weather Observer program. He became part of this volunteer organization when he established the Cochetopa Creek observing station at his ranch in Cochetopa Creek, Colorado in 1947. Harold has been collecting and recording daily weather data for the program ever since. The data that he collects plays an essential role in gaining further knowledge of weather patterns and aids in more accurate weather predictions. Harold's efforts are of enormous importance in Colorado due to the state's ever-changing weather conditions.

Mr. Speaker, it is my pleasure to have this opportunity to recognize Harold for his superior service to the National Weather Service for the last fifty-four years. He has patiently volunteered his knowledge and experience and, in turn, provided invaluable data that has furthered the advancement of meteorological science. Thanks Harold for your time and your commitment.

TRIBUTE TO CONGRESSMAN
JERRY SOLOMON

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. EVERETT. Mr. Speaker, I rise to pay tribute to a dear friend and fellow Dale County, Alabama native, Congressman Jerry Solomon, who passed away last Friday. Although Jerry retired from this great institution three years ago, he never really left us. He was integral to the conservative effort to gain the House in 1995 and he served honorably as the powerful chairman of the House Rules Committee from that time until his retirement.

Jerry Solomon was born in Okeechobee, Florida on August 14, 1930. As a young boy he left Florida for Dale County, Alabama to live with relatives. He settled in the small Dale County community of Echo which is only ten miles from my hometown of Midland City, Alabama.

A few years later, Jerry moved to Delmar, New York to join his family. It was New York State which became his new home and where he later attended Siena College and St. Lawrence University. Jerry served his country joining the U.S. Marine Corps at the outset of the Korean War and remained on active duty until 1952. He was a Marine Corps reservist until 1959.

For over 25 years, Solomon labored as a successful businessman in Glens Falls, New

York where he lived with his wife, Freda. His political career began at the local level where he served as Queensbury Town Supervisor and Warren County Supervisor. He then served six years as New York State assemblyman.

Jerry successfully ran as a Republican for Congress in 1978 and steadily gained in popularity in his home 22nd Congressional District of New York. In 1990, Solomon received more votes than any other New York state congressman.

His was a familiar voice for House Republicans on matters regarding veterans and our national defense. And I was honored to stand shoulder to shoulder with him in support of our men and women in uniform and to protect the American flag.

Jerry was a true patriot and personified what is to be an American. I am proud to have called him a colleague and personal friend.

RECOGNIZING FORT WASHINGTON
ELEMENTARY SCHOOL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Fort Washington Elementary School for their distinguished educational program.

Fort Washington is a school with a rich history. Fort Washington Elementary Union School District formed on July 6, 1874 and consisted of one school. Lincoln Elementary Union School, a one-room school, formed January 21, 1909. On March 3, 1945, the two schools merged after the original Lincoln School burned down. A new Fort Washington Lincoln School, consisting of five classrooms, was built in 1957 at the site of the current school. On December 22, 1959, the new district elected to join eight other rural elementary school districts to form the highly acclaimed Clovis Unified School District. Since then, the school has added over one dozen classrooms, a staff lounge, multi-purpose room, administrative offices, outdoor amphitheater, and a blacktop area. Clovis Unified built another elementary school on the site of the original Lincoln School in 1977. This new campus was named Lincoln Elementary. Fort Washington-Lincoln School was then changed to Fort Washington Elementary School, proud home of the Patriots.

Over 750 students are currently being served by 67 dedicated staff members. In June of 1986, Fort Washington was selected as one of 210 exemplary public schools from across the nation as part of the United States Department of Education's First National Recognition Program for elementary schools. In 1997, the school was recognized as a California Distinguished School. During the 1998-1999 school year, the school accomplished a feat that has only been attained by two percent of the schools in the United States; Fort Washington received the honor of being designated a National Blue Ribbon School for the third time.

Mr. Speaker, I rise to recognize Fort Washington Elementary School for their renowned educational program. I urge my colleagues to join me in wishing Fort Washington Elemen-

tary School many more years of continued success.

TURKEY CONTINUES TO DEEPEN
ITS DEMOCRATIC VALUES

HON. ENI F.H. FALEOMAVEAGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. FALEOMAVEAGA. Mr. Speaker, we have been debating in this body for some time now how to achieve the appropriate balance, in war and in peace, between protection of the state and protection of the individual liberties that are so important to a healthy democracy. As we wrestle with the aftermath of September 11th, we begin to see the same debate and the same concerns echoed in other democracies around the world.

One debate, not much focused on, has occurred in our ally and good friend, Turkey. That nation, which has lost over 30,000 of its citizens due to terrorist attacks, and which has suffered great hardship as a result of their support for our policy of economic sanctions against Iraq and others in the Middle East, has nonetheless conducted a vigorous public debate about what kind of democracy should flourish in Turkey. That debate has ended with a series of constitutional reforms, reforms that the State Department says "embodies the values that the international coalition is defending."

These reforms are broad ranging. In some cases, they expressly limit the power of the state to stifle freedom of expression, or to pry into the private lives of citizens, even those who might be suspected of criminal behavior. Others enshrine individual rights to gather, to protest or to form political parties. Still others aim for a more inclusive society by allowing use of languages other than Turkish. A group of the reforms seek to place an economic floor of support below the citizens in order to help assure opportunities for economic betterment. Finally, a group of reforms seek to streamline government and make it more responsive to the citizenry.

More than 30 constitutional reforms were adopted. Once implemented, they should go a long way toward erasing any opposition to Turkey's entry into the European Union.

It is also important to note that these reforms have been made in a Moslem nation. Turkey has always believed it important to protect the secular nature of its society, often at the risk of being criticized from within and without. Turkey's reforms, indeed its impetus to reform, is living proof that democracy and Islam are compatible.

Mr. Speaker, there are two other things about these reforms that are remarkable. First, Turkey moved boldly on many fronts to examine past practices and seems willing to make large changes to enshrine democracy. Second, despite economic pressures, political pressures, and the exigencies of the current war against terrorists, it never wavered in its pursuit of a democratic ideal. Turkey, and the entire community of democracies, should feel justly proud of what has been accomplished to date.

PAYING TRIBUTE TO HILDAGARD
(CHIEF) ALEXANDER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to remember an honorable and distinguished man who proudly served his nation for twenty years in the United States Army. It is with profound sadness that I now rise to honor the life and memory of Hildagard (Chief) Alexander.

Chief Alexander has witnessed some of the most frightening scenes in American war history. The Chief enlisted in the Army in 1942 and was soon in the thick of battle landing on Omaha Beach in Normandy. Chief Alexander went on to serve in the Korean War before being discharged in 1962. It is my privilege to acknowledge Chief Alexander for the sacrifices he made so future generations can enjoy the freedoms and liberties that shape the American way of life. Furthermore, I wish to honor Chief for his role as a community leader in Colorado's Western Slope. Perhaps others best remember him as the children's representative for the Shriner's Hospital. He dedicated much of his time toward bringing joy and happiness into the lives of children. Chief was a proud man whom many had deep respect for. We will miss him greatly.

Mr. Speaker, Chief Alexander will be especially missed by his wife, Margaret, his children, grandchildren, and great-grandchildren. As family and friends mourn his passing, Chief's compassion will shine through the hearts of those closest to him. I would like to extend my deepest sympathy and warmest regards to his family during this time of remembrance. Chief Alexander will surely be missed.

TRIBUTE TO GEORGE D. TABLACK

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. TRAFICANT. Mr. Speaker, I was deeply saddened to hear of the passing of a George D. Tablack.

Mr. Tablack was a lifelong resident and a well-respected leader of the Mahoning Valley. He was a Korean War Veteran, a steelworker at Youngstown Sheet and Tube and later an accountant with the Ohio Department of Taxation.

Mr. Tablack served in the Ohio House of Representatives from May 1970 until 1978. In 1979, he was appointed to the Ohio Environmental Review Board by then Governor James A. Rhodes and also sworn in as Sheriff until 1981. He later went on to pursue a successful career as a lobbyist and political consultant until 1995, when he became the Mayor of Campbell.

I would like to take this opportunity to remember Mr. Tablack for his outstanding accomplishments while serving as a member of the Ohio House of Representatives. He, along with then Ohio Senator Harry Meshel, will be regarded as two of the greatest lawmakers in Ohio's history.

I send my deepest regrets and sympathy to his wife and to his family. May God bless them.

HONORING THE 100TH ANNIVERSARY OF MT. ZION MISSIONARY BAPTIST CHURCH

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 100th anniversary of the Mount Zion Missionary Baptist Church in East St. Louis, Illinois.

From the beginnings of holding prayer meetings at the home of Mother Jennie Thomas, Mt. Zion Missionary Baptist Church began.

As the prayer meetings grew, a mission was begun and larger facilities became necessary. Mother Thomas, along with Charlie Green and Belle Aikens, obtained a building site at 10th and Cook Streets in East St. Louis. On April 4, 1901, Mt. Zion was organized with the Rev. Allen Aikens as its first pastor, Brothers Woodard, Sandy Sherrod and William Easterly as Deacons; Brothers W. Jones and Prince as Trustees and W. Belle as Secretary. The membership grew under Rev. Aikens' leadership.

As the congregation grew, a larger place of worship was required. Though their resources were limited, the congregation was able to purchase land at 13th and Tudor. Construction on the new church started soon thereafter. Mt. Zion met in the basement of the building until it was completely built.

In 1919, Rev. B.J. Smith was the pastor and under his leadership, a sanctuary was added and overall construction became complete. Following Rev. Smith, Rev. Lemon Johnson and Rev. J.J. Olive came to serve as church pastors from 1931 to 1935, Under Rev. Olive, a baptismal pool was added to the church.

Following this period in the church's early growth, the Rev. B. Haney became pastor, soon followed in 1947 by the Revs. Ephraim Thomas and James Clayborne. In 1947, Rev. W.B. Rouse became pastor at Mt. Zion. During his pastoral duties, membership of the church greatly increased. The church building became enlarged in 1951 and again in 1955. The sanctuary was expanded, classrooms were added and an organ and church furnishings were acquired.

At this time a parsonage was also added to the Church holdings at 919 Bond Avenue. In 1964, the Illinois Department of Transportation needed easements to assist in the construction of the Poplar Street Bridge, the church then purchased additional property at 24th and Bond Avenues in East St. Louis which became the church's present location.

In 1966, the Rev. C. Cedric Claiborne was received as the new pastor of Mt. Zion. Under his tenure, the new church was constructed at a cost of \$450,000 and the first worship service was held there in 1968. In 1972, however an explosion damaged the eastern wall of the church. A makeshift cover was used to protect the building up until 1974 when the cornerstone was laid for the new wall.

Activities initiated by the Rev. Claiborne include city-wide graduate services of Metro-East graduates and a Sunday evening broadcast via WESL. The church then employed a full-time church cemetery and a church publicity Director. In 1975, Rev. Rouse took over pastorship of Mt. Zion under his leadership a mortgage burning ceremony was held in 1979.

Between the years 1977–2001, several pieces of property were acquired, including a parking lot directly located across from the church, the church office, ground adjacent to the office building, the Jewish temple, Sunday school complex and an area east of that facility. In addition to expanding their land holdings, vehicles were secured over the years to help transport parishioners to the church. In 1976, two 60 passenger buses were purchased, in 1986, a utility van and two trucks were bought; in 1981 three vans were purchased; 1989 two additional vans were bought and from 1989 to 1999, additional vans and bus were acquired, bringing the church's fleet of vehicles to five.

Pastor Rouse holds workshops and institutes for members of the community. In 1977, the Nursing Home Visitation Team was organized and continues to go into the various nursing homes in the region providing spiritual guidance to their patients. Mt. Zion continues to be active in the needs of senior citizens. The Voices of Zion held its first concert at Powell Symphony Hall in St. Louis, Missouri in July 1983.

Mt. Zion continues to serve the community by providing Thanksgiving meals. During the South End Flood, church facilities were used by the Red Cross to feed flood victims. Mt. Zion also operates a food pantry, which is open to the public twice weekly.

Mt. Zion's membership continues to grow. Under Rev. Rouse, he has also ordained some 16 new ministers. In 1994, the New Day Jail ministry was started going into various correctional facilities. They are responsible for providing spiritual guidance to inmates as well as providing Christmas gifts to children of the incarcerated.

The church's bookstore opened in 1996 and the Inspirational Voices Youth Choir finished their first CD recording out of the church itself. During this year, a ground breaking was held in June in preparation for the construction of new Classroom and administrative buildings.

Mt. Zion Missionary Baptist continues to grow and prosper, providing the spiritual needs and guidance for many people in the region.

Mr. Speaker, I ask my colleagues to join me in honoring the 100 years of service of Mt. Zion Missionary Baptist Church and salute the members of the church's congregation both past and present.

TRIBUTE TO WYNN PRESSON

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. MOORE. Mr. Speaker, I rise today to pay tribute to an outstanding leader of the Kansas City community, Mr. F. Wynn Presson, who will retire as Vice Chairman of the Board of Health Midwest, on November 30, 2001.

Wynn has served as Vice Chairman of the Board of Health Midwest since 1993; prior to that he served as President and Chief Executive Officer. Health Midwest employs over 17,000 people, and has over 100 care/delivery sites, including 15 hospitals with over 3,295 licensed beds. The system has 40 primary care physician practices employing over 150 physicians, 8 occupational medicine clinics, and 60

corporations. The Health Midwest system links together acute and ambulatory care, physician affiliations, education, occupational health, mental health, long term care, contracted clinical and support services, wellness and fitness, and patient transportation systems. Wynn Presson was the founder and visionary of the Health Midwest system, having served for a total of 24 years with Health Midwest and its predecessor organizations.

Just as important, though, is the literally thousands of hours that Wynn Presson has devoted to serving our community and the entire Kansas City metropolitan area during his 24 years with us. The list of his current community leadership positions is impressive: member of the Blue Valley School District Educational Foundation; member of the Executive Committee [and former Chairman of the Board of Directors] of the Boys and Girls Club of Greater Kansas City; Chairman-elect of the Board of Directors of the Full Employment Council; member of the Board of Directors and the Executive Committee of the Greater Kansas City Sports Commission; member of the Executive Committee and the Board of Directors of the Labor-Management Council; Co-Chairman of the Board of Directors of the Mayor's Corps of Progress; and member of the Board of Directors of the Minority Suppliers Council, among others.

Equally as important and valuable have been Wynn Presson's contributions to the Kansas City area in years past, through his dedicated service in positions including: former Chairman of the Board of the Greater Kansas City Area Chamber of Commerce; President of the Board of Directors of the Kansas City Club; member of the Board of Directors of the Civic Council of Greater Kansas City; Colonel in the Kansas Cavalry; member of the Executive Committee of the Kansas City Area Development Council; Co-Chairman of the Public Policy Committee of the Mainstream Coalition; and Chairman of the Board of Directors of the Midwest Bioethics Center.

Mr. Speaker, Wynn Presson is an excellent example of the kind of public-spirited, community-minded citizen who does so much to foster our communities. As this far-from-complete listing of his many public service activities demonstrates, he has been a vital participant in countless civic and charitable activities in the Kansas City metropolitan area. I commend him for his distinguished record of performance with Health Midwest and for his peerless history of community service.

Mr. Speaker, I join with my constituents in Kansas' Third District in wishing Wynn Presson an enjoyable and most well-earned retirement, although I anticipate he will not shirk from further opportunities to be of service.

HONORING LARRY BLACK UPON HIS RETIREMENT FROM BAYFIELD SCHOOL BOARD

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. McINNIS. Mr. Speaker, those who seek to improve the lives of others in the community play a very important role. Larry Black is such a person and upon his retirement from

the Bayfield School Board, I would like to acknowledge the priceless contributions that he has made to Bayfield and to those that he has touched.

Larry is a man of compassion and holds an elevated understanding of citizenship. Part of this comprehensive understanding is service to his country. Larry volunteered for the infantry in Vietnam and because of his bravery he earned a bronze star and a campaign medal. During this time, he served for two years in the infantry but continued to serve in the California Air National Guard for four years. Larry has also volunteered much of his free time to the United Way, helping those less fortunate.

According to his wife, Tempe, the most fulfilling work he has done is having the opportunity to serve on the Bayfield School Board. Prior to serving on the Board, he was an active member of the PTSA and also a committee member on the District Advisory Committee and the Student Accountability Committee. The past four years Larry has sat on the Bayfield School Board and filled this role with enthusiasm and charisma. He looked at this opportunity as a chance to give back that which others gave him when he was a child. Additionally, Larry is active member of the First Baptist Church of Bayfield and is a devoted husband and a loving father.

Mr. Speaker, Larry Black has been an outstanding leader for the Bayfield community and has helped to enhance the futures of many students through his service. To give of yourself unselfishly, as Larry has done, certainly deserves the praise and admiration of us all. I wish to offer my congratulations to Larry at this time of celebration on his retirement and extend my warmest regards and best wishes in many years to come.

CONGRATULATING PAUL DUFALD ON HIS RETIREMENT

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. McGOVERN. Mr. Speaker, I rise today to congratulate Mr. Paul Dufald on his retirement from the United Food and Commercial Workers local 1445.

For 45 years, Paul has been a passionate and effective voice for working families in Massachusetts. During a time of dramatic change in our nation's workforce, Paul has shaped the labor movement in our state to reflect modern realities.

While his strategies may have evolved, his principles have never wavered—namely, that working men and women deserve decent wages, deserve decent and affordable health care and other benefits, and deserve to be treated with respect and dignity. He has worked just as hard as the workers he represents, and has done his job with dignity, class and grace.

While I'm sure his activism will continue in retirement, I also know that Paul's wife Judy, his four children and seven grandchildren will be very happy to spend more time with him.

Mr. Speaker, I know all of my colleagues in the House join me in congratulating Paul Dufald on his retirement and thanking him for his years of tireless service to the people of Massachusetts. Thank you, Mr. Speaker.

A TRIBUTE TO STAFF SERGEANT GEORGE ANDREW LITTLE

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. McINTYRE. Mr. Speaker, today I rise to pay to one of North Carolina's finest gentlemen, Staff Sergeant George Andrew Little, on his service and inspiration to our State and Nation.

Theodore Roosevelt, our nation's 25th President, once said, "It is not the critic who counts; not the man who points out how the strong man crumbled, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; . . . who knows the great enthusiasm, the great devotions; who spends himself in a worthy cause; who . . . knows in the end the triumph of high achievement." For four years, Sergeant Little was in the arena as part of our nation's military force defending freedom and defeating fear. And his spirit, service, and sacrifice continue to shine brightly today for all to emulate.

Enlisting in the U.S. Marine Corps just prior to his 19th birthday, Staff Sergeant Little passed up two college scholarships to serve his country and fellow citizens. From Saipan to Okinawa, Staff Sergeant Little faced enemy fire, looked death in the face, but always persevered to continue serving his Nation. Even with the loss of his eyesight during conflict and undergoing over 50 operations to repair his facial structure, Mr. Little looked toward the future with optimism and energy. He next founded George A. Little, Inc., a construction and realty firm in North Carolina. From building houses to businesses to churches, Mr. Little became the first blind contractor in North Carolina. After defeating meningitis which was caused by fragments of bullet lodged in his forehead, Mr. Little, and his lovely wife Marie, now reside in Ocean Isle Beach, North Carolina where he remains a dedicated public citizen.

Mr. Speaker, these are trying times for our nation, our citizens, and our military. But through the efforts and heroism of individuals like George Andrew Little, the United States of America stands tall. I thank him for the service he has given to our state and nation. May God's strength, peace and joy be with him always.

RECOGNIZING JERRY MONTGOMERY

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. PICKERING. Mr. Speaker, I would like to pay tribute today to Jerry Montgomery—a man who has meant so much to so many people in my home state of Mississippi through his service as faculty advisor for the Sigma Chi Fraternity at the University of Mississippi (Ole Miss) for the past 15 years. I'm proud to call Jerry a friend and even more proud that he's part of our family as my brother-in-law.

Despite Jerry's extremely busy schedule as a husband, a father, and the coach for the women's tennis team at Ole Miss, he always finds time to fill his role as faculty advisor to Sigma Chi. As a Sigma Chi, I am personally grateful for Jerry's leadership and the guidance he offers the young men of the fraternity. Jerry serves as a positive role model and a good example for the young men of Sigma Chi to look up to for advice and guidance.

The "Standard" on which Sigma Chi was founded requires its members to be: A man of good character; A student of fair ability; With ambitious purposes; A congenial disposition; Possessed of good morals; Having a high sense of honor and a deep sense of personal responsibility. These attributes certainly describe Jerry and the way he sets an example for the men of Sigma Chi.

I want to extend my heartfelt appreciation and gratitude to my friend, my brother-in-law, and a true friend to Sigma Chi, Jerry Montgomery.

HONORING CARL E. WIEMAN AND ERIC CORNELL FOR THEIR RESEARCH AND RECEIVING THE NOBEL PRIZE IN PHYSICS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. McINNIS. Mr. Speaker, 75 years ago Albert Einstein predicted a new form of matter that has since been called the Bose-Einstein condensate. This matter has been elusive for quite some time, however the secret no longer eludes mankind. Through his hard work in physics research, Professor Carl E. Wieman of the University of Colorado in Boulder along with Eric A. Cornell from the National Institute for Standards and Technology, created this matter in 1995, and because of the outstanding nature of their work, were awarded the Nobel Prize in physics to be received this December. The prize was also awarded to a scientist at MIT who separately worked on the same discovery. I would like to take this time to recognize the dedication of Carl to this project and for opening many doors through scientific investigation for the future.

Cornell and Wieman were able to capture and chill rubidium atoms in order to bring them to a near motionless state so that they would act as one superatom. The progression that this discovery promotes would allow scientists to control their usage in new and innovative way that could lead to much faster and smaller electronics. The power of this condensate could lead to better computer chips, more precise measuring instruments and advances in navigational instruments. Additionally the discovery of this method to isolate Bose-Einstein condensate has spurred a new branch of atomic physics to emerge across the globe.

In the age of technological advancement, these discoveries help to ensure our continued success and help to tap the understanding of the universe around us. This manifestation of Einstein's thought and has been a tremendous benefit to physical scientists everywhere. It is through his diligence and dedication that Carl was able to fabricate the Bose-Einstein superatom.

Mr. Speaker, I would like to honor the hard work and dedication of Carl Wieman and Eric

Cornell and congratulate both of them on winning the Nobel Prize. Their efforts certainly deserve the praise and admiration of us all. The contributions they have made will endure the test of time and his creation will enhance the lives of people all over our world.

PERSONAL EXPLANATION

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. DeMINT. Mr. Speaker, on Thursday, October 25, I missed Rollcall Vote No. 407 to designate September 11th as Patriot Day. Had I been present, I would have voted "yes" on this measure.

TRIBUTE TO DR. MILLIE L. RUSSELL

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. McDERMOTT. Mr. Speaker, today I rise to offer special recognition to my constituent, Dr. Millie L. Russell, for her selfless service to the citizens of Seattle and the State of Washington. Dr. Russell has dedicated her life to creating an educational system that reflects the diversity of our community in the Pacific Northwest. Her investments of her talents and skills are immeasurable, and it is my privilege to thank her for her years of service.

Dr. Russell has made considerable contributions to education both inside and outside of the classroom. Dr. Russell is an Assistant to the Vice-President for the Office of Minority Affairs Educational Opportunity Program at the University of Washington where she also lectures in biology. Dr. Russell is a member of and holds several leadership positions in the Washington State Association of Black Professionals in Health Care, the Seattle/Mombasa Sister City Association, the National Association of Medical Minority Education, African American Dollars for Scholars Foundation and many others. For many years, she has served on the panel of community members who assist me with interviews of young candidates for appointment to our country's military academies.

Mr. Speaker, Dr. Russell has been an enormous asset to the schools of Washington State. Her contributions to the community and her selflessness will not go unnoticed. The thousands of students and professionals she has touched are grateful for the guidance and leadership she has shown. I join them and all her friends and colleagues on this "Dr. Millie Russell Day" in my district in thanking Dr. Russell for her service and in wishing her all the best for the future.

TRIBUTE TO MARTHA BERRY

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. BARR of Georgia. Mr. Speaker, Martha Berry was born on October 7, 1866, at Oak

Hill, the home of her parents, Captain and Mrs. Thomas Berry. Oak Hill, a Southern plantation, is located in the North Georgia Hills, near Rome. Even as a child, Martha Berry expressed a keen interest in the less fortunate children of the surrounding region.

On a Sunday afternoon in the late 1800s, Martha was in her log cabin playhouse when she heard voices of children outside. To her surprise, she saw three small boys in ragged clothes, peeking through the cabin doorway. She invited them in for apples and cookies and asked if they had been to Sunday school. Once she learned they had no Sunday school to attend, she began telling them stories from the Bible. When they left, she invited them to return the following Sunday and to bring someone with them. They returned the following weeks, bringing their mothers, fathers, brothers, sisters, other relatives, and friends. The cabin soon became too small for the crowds Martha was attracting, and Sunday school was moved to an abandoned church at Possum Trot.

The desire to learn expressed by these mountain people inspired Ms. Berry as she grew and matured. She once noted, "Every human being, regardless of economic circumstances, has a right to become the best that he or she is capable of becoming."

Consistent with her love for education and her fellow man, but against the advice of family and friends, Martha Berry deeded the property her father had given to her to be used for a school for boys. On January 13, 1902 Martha Berry opened her boarding school, constructed from her personal funds. Local residents speak of Ms. Berry traveling by buggy around the countryside seeking funds and land for her school. To meet the growing needs, she traveled throughout the United States and abroad in an effort to raise funds. Andrew Carnegie promised her \$50,000 for an endowment if she could match it, and she did. Theodore Roosevelt gave a dinner party for her at the White House, at which he introduced her to many influential friends, who contributed to the school for many years. It was President Teddy Roosevelt who suggested she start a similar school for girls; she did, and it opened on Thanksgiving Day 1909.

In 1926, Ms. Berry opened a Junior College at Mount Berry. In 1932 she presented diplomas to her first class of four-year college seniors. By then, Martha Berry was 65 years old. With the depression of the 30's, Berry had a waiting list of 5,000 young people eager to attend her school. Ms. Berry knew they must create new work and offer more young people a chance for an education. She continued to travel widely, capturing the interest of some of the nation's most prominent citizens. Henry Ford donated to Berry a magnificent Gothic stone building complex with dormitories, dining room, gymnasium, and recitation hall, for the girls area. To her original 83 acres of land, she had added 30,000 additional acres and led her students in planting 25,000 acres of pine trees. She once said, "Beauty has an important place in education. Young people should lift their eyes to spires, to hill tops, to God and say, "Thank God for worthwhile work to do." When visiting the Berry Campus, one will note the many spires on dormitories, chapels, and even on the dairy barns. The campus of Berry College is one of the most beautiful in the country.

Ms. Berry, who died in 1942, was extremely proud of the fact Berry had become one of the

nation's most successful educational experiments; combining academic study, student work, and interdenominational Christian religious emphasis. Today Berry is a model for many institutions in the United States and abroad. Berry offers work experience as part of every student's development. Approximately 85 to 90 percent of the students are employed on campus, in 120 job classifications. The most recent U.S. News & World Report college rankings for 2002, place Berry number one among comprehensive colleges in the South. Berry also ranked fourth in the "best value" ranking of the region's comprehensive colleges.

Berry's first students gave of their time and energy, literally creating the materials and constructing the buildings and roads on the campus. This tradition has continued through the years. Berry alumni return each May for a week of service and work on campus. On October 6, 2001, the 135th anniversary of Martha Berry's birth was celebrated at this year's Mountain Day, an annual event.

The 100th Anniversary of Berry College will fall on a Sunday in January 2002. Martha Berry was a crusader in the field of education, and Berry College was her greatest academic endeavor. She received many honorary degrees, numerous humanitarian and achievement awards, a Patriotic Service Medal, and the Roosevelt Medal for Service to the Nation. However, her true legacy is seen in each and every student who graduates from Berry College, prepared to meet the challenges of life with a strong academic and spiritual foundation.

HONORING JOHNANDREW WILFRED MADRID

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to remember the life of Johnandrew Wilfred Madrid, the Executive Director of the Ute Mountain Indian Tribe, who died on Tuesday, August 14, 2001, at the age of 67, due to heart complications. I speak for everyone who is associated with the Tribe when I state that he will surely be missed.

Mr. Madrid worked with the Ute Mountain Indian Tribe for thirty years performing many functions in his role as Director. Johnandrew worked his way through the hierarchy of the Tribe as an accountant, Chief Financial Officer and finally as Executive Director. He managed the economic development of the Tribe as well as the educational program and the Indian Health Services. Mr. Madrid was very valuable member to the Tribe not only with its internal functions, but also in lobbying for the Tribe's interests. One of his greatest accomplishments was including protection of the Ute water rights in the Animas-La Plata project.

Mr. Speaker, Johnandrew played an immeasurably valuable role for the Ute Mountain Indian Tribe. The members of the Tribe loved him and respected him as they would one of their own. He helped to make the Tribe the success that it is today. It is with a solemn heart that I express my condolences to Mr. Madrid's family as well as the members of the Tribe who he so passionately served. He was a great man, leader, and friend.

HONORING LARKIN HIGH SCHOOL
IN ELGIN, IL

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. HASTERT. Mr. Speaker, the GRAMMY Foundation recently announced that Larkin High School, located in my district, has been named a GRAMMY Signature School. Determined on the basis of a scoring system applied by a panel of top music educators and professionals, Larkin High School was chosen as one of 100 high schools from across the country to receive a certificate of recognition based on its high level of commitment to music education. I would like to take this opportunity to congratulate them on this outstanding achievement.

As a former high school teacher, I can attest that music education enhances intellectual development and enriches the academic environment for children of all ages. In addition, music educators greatly contribute to the artistic, intellectual, and social development of American children, and play a key role in helping children to succeed in school.

Larkin High School has done an exceptional job of cultivating their arts programs and I applaud them for their commitment to music and arts education programs. These make a positive difference in the lives of young adults.

IN HONOR OF HELENE HYLAND

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. ACKERMAN. Mr. Speaker, I rise today to honor Ms. Helene Hyland, on the occasion of her retirement, as Vice President for the Institutional Advancement at Queensborough Community College.

As both an undergraduate and graduate alumna of St. John's University in Queens County, NY, Ms. Hyland achieved her Bachelor of Arts in English and Secondary Education, Masters of Science in Counselor Education, Professional Diploma in Counselor Education, and Doctoral in Administration and Supervision.

Mr. Speaker, Ms. Hyland began her career in public education as both a teacher of English and a Guidance Counselor in 1968, at the Diocese of Brooklyn. Since then, she has held positions on the Staff of the New York State Senate, in the Office of Development at St. John's University, and in the Institutional Advancement Office at Queensborough Community College. She began her work at Queensborough Community College as the Director of Development and Grants, and 15 years later, Ms. Hyland has achieved the position of Vice President for Institutional Advancement.

Helene must also be recognized for her achievement as President and owner of Sand Dollar Associates. Sand Dollar is a comprehensive consulting firm that offers direction and services in the area of fund-raising, institutional advancement, public relations, grant writing and publications. Clients include many churches and seminaries in the Queens com-

munity, as well as schools and public service organizations.

I am proud to represent such an exceptional individual and commend Ms. Hyland for her life long dedication to educational institutions and community service. I ask my colleagues in the House of Representatives to please join me in wishing Helene Hyland many years of success as she celebrates her well deserved retirement.

HONORING HELEN THYE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. McINNIS. Mr. Speaker. I'd like to take this opportunity to honor Mrs. Helen Thye for her response to a need with such loving generosity.

My nieces, Gracie, Annika, Ellie, and Lucy through the efforts of their parents Carmie and Bruce Raaum, recently broadcast a challenge to other elementary students to donate their own hair for children who have lost theirs due to illness. Once donated, the hair is made up into wigs and given to children in need, free of charge.

Mrs. Thye responded to this challenge with a wrapped package of beautiful, long, dark brown hair. Along with the hair was a note that read: "This is my first hair cut in 1944 at the age of eleven. I tied it with the string and wrapped it with this white tissue paper and held onto it all these years. Now I want to donate it to Locks of Love." This beautiful hair came from a beautiful heart.

Mrs. Thye is an avid Braves fan and a mother of seven, of which six survive. One of her daughters has multiple sclerosis and Mrs. Thye suffers from cancer. Both face the possibility of losing their own hair as a result of their diseases but this did not deter Mrs. Thye from her act of love.

Mr. Speaker, it is with pleasure that I point out this act of compassion by Mrs. Helen Thye. Acts of generosity such as this should not go without recognition. Thank you Helen for your generosity and kind heart, I'm sure the recipient of your selfless act will be grateful.

TRIBUTE TO PAUL LEHTO, RECIPIENT OF NORTHERN MICHIGAN UNIVERSITY'S PRESIDENT'S AWARD FOR DISTINGUISHED CITIZENSHIP

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. STUPAK. Mr. Speaker, I rise today to pay special tribute to an individual in my congressional district, the 1st District of Michigan. This individual personifies the best qualities of community volunteers—vision, dedication, leadership, and humility. He has served as a coach for youth sports, as a local elected official with three decades of service, and he has headed up the citizens's advisory board for one of our newest national parks since the panel was formed. Truly, Paul Lehto of Cal-

umet Townships has served his community and his country well.

I salute Paul Lehto today, Mr. Speaker, on the occasion of his having received from Northern Michigan University the President's Award for Distinguished Citizenship.

But for you and our House colleagues to really understand the accomplishments of Paul Lehto, Mr. Speaker, I need to review a little bit about the unique area where he has worked and served for so many years.

The Keweenaw Peninsula, which sticks far out into Lake Superior, is the only place in the world where commercially abundant quantities of elemental cooper have been found. From the 1840s to 1968, more than 11 billion pounds—80 percent of the cooper in the world today—was extracted from mines as deep as 9,000 feet and shipped all around the world.

The history of this process and region is so unique and so important to the growth of this nation that in 1992 Congress passed a bill creating the Keweenaw National Historical Park.

Paul was raised and schooled in Kearsarge, a small village in the Keweenaw, where he still lives today. As a lifelong resident of the area, Paul was a personal witness to the demise of mining. After graduating from local schools he went to work for the Calumet and Hecla Mining Co. As a laborer and truck driver, and he served as treasurer of a local union until the mines closed in 1968.

He was elected supervisor for Calumet Township in 1972, and he has been re-elected every term since then. He has faced major challenges, not the least of which were economic. In the mining heyday, Calumet was so prosperous and progressive that it came within one vote of being named Michigan's capital. By the late 1970s, however two-thirds of the storefronts in Calumet were vacant and 67 percent of the welfare recipients in Houghton County were in Calumet's zip code. A key to the vitality of the township, Calumet was in danger of being a ghost town.

The end of the mining industry allowed homeowners for the first time in the region's history to purchase the land on which their homes sat, and during Paul's time in office township neighborhoods were platted.

Paul recognized the importance of protecting the region's historical heritage by leading his township to be the first in the western Upper Peninsula of Michigan to enact the historic preservation and land-use ordinances. When the Keweenaw National Park was created and Paul assumed the post of chairman of the park's Advisory Commission, a task he continues to this day. Capitalizing on the region's history and natural beauty are keys to economic survival, and Paul has been on the cutting edge of this effort. A 16-acre lakeshore community park is another of his accomplishments.

Amidst his other tasks, Paul Lehto has found time to coach youth hockey on several levels, and he has served as a commissioner on the Western Upper Peninsula Planning and Development Regional Commission. This planning and re-granting agency has worked for years to assist with housing infrastructure and economic redevelopment projects in the region hit hard by the end of the copper business.

I'd like to add a few personal comments, Mr. Speaker. Paul Lehto's accomplishments are great, but in many respects he is a true man

of the region—a “Yooper” as we in the U.P. of Michigan style ourselves. As a typical Yooper, he does what needs to be done without looking for any award, and he accomplishes his tasks without fanfare. He will fight for what he believes in, but he will accept his victories with humility.

In therefore gives me special pleasure to call your attention and that of our colleagues to the great honor from Northern Michigan University that has been bestowed on my friend, Paul Lehto.

TRIBUTE TO MRS. KANA BARKER-MABON

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. FORD. Mr. Speaker, I rise today to honor and extend well-deserved recognition to Mrs. Kana Barker-Mabon who was awarded the prestigious Milken Family Foundation National Educator Award for her dedication, compassion and diligence as an educator in the Memphis City Schools.

Being only one of two educators ever awarded this distinguished award in Tennessee, Mrs. Barker-Mabon has always had a passion for working with children. While pursuing her bachelors in political science at Rhodes College, she also took education classes under Dr. Watson, the chair of the Education Department at Rhodes College and current Superintendent of Memphis City Public Schools.

During her student teaching, Mrs. Barker-Mabon was determined to teach where she believed the children needed her the most, so she requested placement at Cypress Middle, one of the lowest performing schools in the state. She continues to teach there today. Mrs. Barker-Mabon is a product of Memphis City Schools and has been a success story since she was placed at Cypress. The results of her hard work are seen through the lives of the children she touches.

Mrs. Barker-Mabon earned her M.Ed. in curriculum and instruction from Freed-Hardeman University and is currently working on her Ph.D. at the University of Mississippi. She continues to embrace her students in their academic endeavors and strives to meet their immediate needs by offering students study sessions in addition to providing them with food on the weekends.

In her teaching career, Mrs. Barker-Mabon was promoted from classroom teacher to school facilitator after only five years at Cypress, and she teaches other educators how to be more effective. Her steadfastness and undying devotion manifests itself in the attitudes of her students and their test scores. She is held in very high esteem by her students, faculty and administration.

This recent award only further highlights a career committed to educating and caring for the well-being of our children. Mr. Speaker, I hope that you and my colleagues will join me in honoring Mrs. Kana Barker-Mabon, a model educator whose kindness and dedication continues to change the lives of countless youth in Memphis, Tennessee.

SHAME ON THE HOUSE

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Ms. SCHAKOWSKY. Mr. Speaker, I am disappointed, but not surprised, by what took place in the House of Representatives last week. By the narrowest of margins, the tired old agenda of tax cuts for the rich and giveaways to the corporate interests and big business scored another victory in the Republican-controlled House.

Bob Herbert described it best when he wrote in *The New York Times*, on Monday, October 29, 2001: “The Republicans who control the House thumbed their noses at the ordinary Americans who will absorb the brunt of the economic downturn and shamelessly gift-wrapped yet another bundle of tax cuts for the very well-to-do.”

He added: “With Americans fighting and dying both at home and abroad, we are understandably in a season of patriotism. That patriotism should not be soiled by wartime profiteering.”

The Republican so-called economic stimulus package is described by Mr. Herbert as having “. . . very little to do with economic recovery. It’s about using the shield of war and economic hard times as a cover for the perpetual task of funneling government largesse to the very rich.”

It should come as no surprise that there are some in Congress who will push their one-track agenda no matter what. If our nation is experiencing an economic downturn, then the answer is tax cuts for the top. If our nation is recovering from a terrorist attack, then the solution is more Treasury money to the big corporations. And if our Armed Forces are engaged in battle half way across the world, then a tax cut for the wealthy and well connected is the patriotic thing to do.

Since 9/11, the American people are holding their government to a higher standard, and are placing extraordinary trust in their elected officials. Shame on those public servants who abuse that trust.

I hope my colleagues will carefully read Mr. Herbert’s op-ed and consider his arguments.

[From the *New York Times*, Oct. 29, 2001]

SHAME IN THE HOUSE

(By Bob Herbert)

“Ask not what your country can do for you. . . .”

It has been 40 years since John F. Kennedy, standing hatless and coatless in the bitter cold of a snow-covered capital, delivered the lines that turned out to be the most stirring and most famous of his presidency.

If you listened closely last week, you could hear an echo of that moment on the Senate floor. On Wednesday morning, in an address to his colleagues, Senator Edward M. Kennedy said: “Now we have seen, perhaps more clearly than ever before in our lives, how we are all in this together—how if even one of us is hurting, all of us hurt. Our first thoughts on September 11 were about others, not ourselves.”

Senator Kennedy, now 69 years old, spoke movingly of the acts of extraordinary bravery and selflessness exhibited by Americans

both at home and abroad in this sudden war against terrorism. And he called on the nation as a whole to adopt that spirit of selflessness as the new standard “by which we measure everything we do.”

“The standard is clear,” he said. “To seek what is right for our country, and not just for ourselves.” He said it is essential that Americans not “strive for private advantage in a time of national need.”

Not everyone is listening.

Senator Kennedy’s speech was, specifically, a call for fairness and common decency as Congress moves ahead with its effort to help revive an economy that was faltering before Sept. 11, and has since been thrown into very serious trouble by terrorism and war.

But last week, as the House narrowly passed its version of an economic stimulus package, the dominant motive at work appeared once again to be greed. The Republicans who control the House thumbed their noses at the ordinary Americans who will absorb the brunt of the economic downturn and shamelessly gift-wrapped yet another bundle of tax cuts for the very well-to-do.

In Senator Kennedy’s words, the House proposal, which contains more than \$100 billion in tax cuts for corporations and individuals, “merely repackages” old, partisan, unfair, permanent tax breaks—which were rejected by Congress last spring—under the new label of economic stimulus. The American people deserve better.”

With Americans fighting and dying both at home and abroad, we are understandably in a season of patriotism. That patriotism should not be soiled by wartime profiteering.

The House package is a breathtaking example of cynicism and chutzpah. The bill’s primary author, Representative Bill Thomas, a Republican from California, piously proclaimed that there is an urgent need to help businesses because they are the nation’s employers. “They’re the hardware store,” he said, “the diner down the street, the gas station on the corner.”

And then you look closely at the legislation and find that it overwhelmingly favors the giant corporations, with tax breaks approaching \$1.4 billion for I.B.M., more than \$800 million for General Motors and \$670 million for General Electric.

It’s a stimulus package in name only because the Americans who are the most strapped—the consumers who would take any relief that they received and immediately pump it right back into the economy—get the least. The package has very little to do with economic recovery. It’s about using the shield of war and economic hard times as a cover for the perpetual task of funneling government largesse to the very rich.

Nearly \$2 trillion in tax cuts were passed just a few months ago, but that was not enough. True greed knows no bounds.

The political analyst Kevin Phillips, in a commentary on National Public Radio, said: “Neither house of Congress has ever passed this kind of major tax bill in wartime, and no one in the House assumes that the Senate will accept it in whole. But the more extreme the House bill, the further that will drag the eventual compromise in that same inexcusable direction. The only real solution is a public outcry, tens of millions of pointing fingers and voices saying, ‘Shame.’”

Forty years after the inauguration of President Kennedy, the most favored and least needy among us are proving themselves to be masterful at finding what their country can do for them.

PERSONAL EXPLANATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. GONZALEZ. Mr. Speaker, on rollcall no. 400, 401, 402, 403, 404, 405, 406, 407.

Had I been present, I would have voted 400—no; 401—no; 402—yes; 403—yes; 404—no; 405—yes; 406—yes; 407—yes.

SIKHS ASKED TO REMOVE TURBANS AT AIRPORT, TURBAN IS RELIGIOUS SYMBOL AND MUST NOT BE REMOVED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. TOWNS. Mr. Speaker, there have been more incidents in which Sikh men were asked to remove their turbans at an airport. Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, has brought these to my attention.

Satpal Singh Kohli was about to board a Southwest Airlines flight from Albuquerque to Los Angeles when members of the ground crew demanded that he remove his turban. He told the ground crew that his Sikh religion required him to wear the turban and he could not remove it. The ground crew insisted that he remove his turban. He needed to get to Los Angeles to be with his ailing father. When the agents would not budge, Mr. Kohli demanded to see their supervisor. He was told that if he had a complaint, he should contact customer service.

The agents not only searched his turban in full view of other passengers, they searched his unshorn hair—required by his religion—as well. Mr. Kohli said that “In my whole life I have never been humiliated like this.” The agents had only told him that they wanted to search his bag, not his turban or hair. Yet they never checked his bag.

Last Saturday, Tejinder Singh Kahlon, a sitting judge in New York, was asked to remove his turban at a New York airport. He refused. He was not allowed to board his plane. He called the media to report his harassment by the airport security personnel.

The turban is a symbol of the Sikh religion, to which Mr. Kohli and Judge Kahlon belong. It is religiously mandated. They are required to carry five symbols. Unshorn hair covered by a turban is one of these. More than 99 percent of the people in this country who wear turbans are Sikhs. Turbans should not be removed and searched.

Linda Rutherford, a spokeswoman for Southwest Airlines, admitted that the incident had to do with “passenger profiling” and claimed that the rules had to do either with what a passenger wears or what he looks like, but she blamed the Federal Aviation Administration for these new rules. If that is true, the FAA should be ashamed of themselves. They have institutionalized racial profiling as a part of their antiterrorism policy. If it is the airline’s own policy, then decent Americans should flood Southwest Airlines’ headquarters with protests.

We must not allow racial, religious, or ethnic profiling. The airport ground crews should be prohibited from stopping Sikh passengers and searching their religiously-mandated turbans. This kind of discrimination is never acceptable. I ask Attorney General Ashcroft and Secretary of Transportation Mineta to look into this matter and stop this harassment of Sikh Americans immediately.

Mr. Speaker, I would like to place an India-West article on the Kohli incident into the RECORD for the information of my colleagues.

[From India-West, Oct. 26, 2001]

SIKH ASKED TO HAND OVER TURBAN BEFORE BOARDING PLANE

(By Viji Sundaram)

Satpal Singh Kohli was about to board a Southwest Airlines flight from Albuquerque, N.M., to Los Angeles Oct. 22, when ground crew at the security gate demanded that he hand over his turban to them before he enplaned. When Kohli protested, telling them that as a Sikh his religion forbade him from baring his head in public, the agents insisted that he do as he was told. Kohli said that they told him that he would have to fly minus his turban, which would be returned to him at the Los Angeles airport. Kohli said he told them that he had flown Southwest from Los Angeles to Albuquerque just two days earlier and “my turban wasn’t an issue then.” He also told them that he had to make that flight because his elderly father, who was home alone in Los Angeles, needed to be given medication and may even need to be hospitalized.

When Kohli realized he was getting nowhere with the agents, he asked to see their supervisor. He said he was told that if he had a complaint, he should call customer service. Kohli said in a e-mail he sent to India-West. The agents told him that if he wanted to make that flight, he would have to submit to a complete turban and hair search.

Because of his father’s medical condition, Kohli said he reluctantly agreed, but requested that it be done in a private area, out of view of the other passengers. Kohli said the agents told him there was no private area and that the search would be done at the security area behind the counter.

He said an agent not only searched his turban thoroughly in full view of the other passengers and ground staff, she also searched his hair, before allowing him to board the plane.

“My sentiments were hurt,” Kohli said. “In my whole life I have never been humiliated like this.”

Kohli said that in pulling him over for a check, the agent had told him he needed to have his bag searched, not his turban or his hair. Yet, after searching his turban and hair, they waved him through, without checking his carry-on bag, according to Kohli, who works as a travel agent.

When he arrived in Los Angeles, Kohli said he went to Southwest’s customer service center and told the two men there—the customer service supervisor and station manager—about what he had been put through. Both men, as well as the captain of the plane who happened to stop by, agreed that turban searches were not a part of the new security requirements, Kohli said. He said they apologized for what had happened.

Called for a comment, Linda Rutherford, a Southwest Airlines spokeswoman in its corporate headquarters in Dallas, Texas, told India-West that following the Sept. 11 terrorist attacks on America, there has been some new Federal Aviation Administration-mandated procedures “regarding passenger profiling.” She said she was not aware of the Kohli incident, but noted that “if a pas-

senger had been flagged as a selectee, there would have been additional security checks.” She said she was not sure if those additional checks are triggered by what a passenger wears or what he or she looks like.

“Certainly, it could be a bit awkward for passengers to have their personal belongings searched in front of other passengers,” Rutherford acknowledged, adding: “It is certainly not our intent to embarrass our passengers.” Manjit Singh, executive director of the Maryland-based Sikh Media Watch and Resource Task Force, told India-West that since the Sept. 11 attacks, his organization has received at least a dozen complaints similar to Kohli’s. “We are very disturbed by what’s happening,” Singh said.

He said his group plans to meet with Norm Mineta, Secretary of Transportation, as well as with FAA officials to make them aware of what was happening. “A Sikh should never be forced to remove his turban,” Singh said. “It’s a religiously mandated headdress.”

He said turban searches should only be done if the metal detector beeps. Security agents, he said, should first do an electronic check, then pat down the turban if they suspect something, and only as a last resort should they ask the passenger to remove his turban.

Since Sept. 11, Sikhs nationwide have become targets of hate crimes in the U.S., as people misidentify them as Taliban supporters because of their beards and turbans. A number of them have in recent weeks reportedly set aside their turbans and concealed their tresses under baseball caps.

TRIBUTE TO MRS. VIRGINIA MCNEIL

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. FORD. Mr. Speaker, I rise today to extend well-deserved recognition to Mrs. Virginia McNeil of Memphis as she is named Elementary School Principal for the year 2001 by the Tennessee Principals’ Study Council.

A hands-on educator with varied experiences and an abiding devotion to her profession, Mrs. Virginia McNeil has rendered distinguished service as an elementary school teacher, assistant principal and as an instructional supervisor for the System-Wide Achievement Team of Memphis City Schools; however, the defining position of Mrs. McNeil’s career has been her productive tenure as the principal of Alton Elementary school, a position she has held since August 1988.

With a powerful determination and an expressed concern for each student, Principal McNeil has worked tirelessly to implement school reform, inspire students to achieve, encourage professional development for teachers and involve parents and community leaders in the everyday operation of this school. In the midst of her work, she also has been the impetus behind the creation of the school’s strong sense of “internal community.” The collective attitude of the faculty and staff has been one which has encouraged support and collaboration. This has been extremely important given the fact that Mrs. McNeil has shepherded a staff that has consistently contained

a significant number of new and young teachers.

These efforts have helped to turn this low-performing urban school into a model for the Mid-South region with the dramatic turnaround that has occurred with not only the school's poor test scores, but also the positive attitude of the student body and entire school community.

This recent award only further highlights a career and resolve that has been rendered in

service to the students and young people of Memphis, Tennessee. She has championed the cause of education and been one of its most vocal and effective advocates. This can be easily seen with the noteworthy accomplishments she has achieved including her selection as an attendee to the Harvard Principal's Academy in 1999, her selection as a participant in the 2002 Leadership Memphis Class, her recognition as Distinguished Role Model of the Year with the Memphis Alliance

of Black School Educators, and her role as president-elect of the Tennessee Association of Elementary and Middle School Principals (TAEMSP).

For the incalculable effect her good work has had in the lives of countless youth, Mr. Speaker, I would ask that you and my colleagues in the U.S. House of Representatives would join with me in honoring my friend and a friend to education, Mrs. Virginia McNeil of Memphis, Tennessee.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S11153–S11250

Measures Introduced: Ten bills and two resolutions were introduced, as follows: S. 1585–1594, S. Res. 174, and S. Con. Res. 80. **Page S11198**

Measures Reported:

S. 1202, to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006. (S. Rept. No. 107–88).

H.R. 717, to amend the Public Health Service Act to provide for research and services with respect to Duchenne muscular dystrophy, with an amendment.

H.R. 2215, to authorize appropriations for the Department of Justice for fiscal year 2002, with an amendment in the nature of a substitute.

S. 1319, to authorize appropriations for the Department of Justice for fiscal year 2002, with an amendment in the nature of a substitute.

Pages S11197–98

Measures Passed:

Reclamation Recreation Management Act Amendment: Senate passed H.R. 2925, to amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation, clearing the measure for the President. **Page S11248**

Labor/HHS/Education Appropriations Act: Senate began consideration of H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, taking action on the following amendments proposed thereto: **Pages S11154–55**

Adopted:

Harkin/Specter Amendment No. 2017, in the nature of a substitute. **Page S11156**

Byrd/Stevens Amendment No. 2035 (to Amendment No. 2020), to direct that any expenditures resulting from Amendment No. 2020 be charged to

the committee of jurisdiction under the budget process. **Pages S11182–83**

Domenici/Wellstone/Kennedy Amendment No. 2020, to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits. **Pages S11165–83**

Pending:

Dorgan Amendment No. 2024, to provide for mandatory advanced electronic information for air cargo and passengers entering the United States. **Page S11184**

A unanimous-consent agreement was reached providing for further consideration of the bill and certain amendments to be proposed thereto, at 10:30 a.m., on Wednesday, October 31, 2001, with a vote on final passage to occur thereon. Further, that upon passage, the Senate insist on its amendment, request a conference with the House thereon, and the Chair be authorized to appoint conferees on the part of the Senate. **Page S11248**

Anti-Terrorism Bill—Agreement: By unanimous-consent, Senate vitiated the October 11, 2001 passage of S. 1510, to deter and punish terrorist acts in the United States and around the world, and to enhance law enforcement investigatory tools, and the bill was then indefinitely postponed. **Page S11247**

Agriculture Appropriations: By unanimous-consent, Senate agreed to Reid (for Kohl/Cochran) Amendment No. 2037, to make certain improvements to H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, as passed by the Senate on October 25, 2001. **Pages S11247–48**

Nominations Confirmed: Senate confirmed the following nominations:

Kent R. Hill, of Massachusetts, to be an Assistant Administrator of the United States Agency for International Development.

John F. Turner, of Wyoming, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

Joseph M. DeThomas, of Pennsylvania, to be Ambassador to the Republic of Estonia.

Brian E. Carlson, of Virginia, to be Ambassador to the Republic of Latvia.

John N. Palmer, of Mississippi, to be Ambassador to the Republic of Portugal.

John Malcolm Ordway, of California, to be Ambassador to the Republic of Armenia.

Bonnie McElveen-Hunter, of North Carolina, to be Ambassador to the Republic of Finland.

Robert V. Royall, of South Carolina, to be Ambassador to the United Republic of Tanzania.

J. Edward Fox, of Ohio, to be an Assistant Administrator of the United States Agency for International Development.

E. Anne Peterson, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

Margaret K. McMillion, of the District of Columbia, Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador to the Republic of Rwanda.

Wanda L. Nesbitt, of Pennsylvania, to be Ambassador to the Republic of Madagascar.

Clifford M. Sobel, of New Jersey, to be Ambassador to the Kingdom of the Netherlands.

Cameron R. Hume, of New York, to be Ambassador to the Republic of South Africa.

Pages S11247, S11249–50

Nominations Received: Senate received the following nominations:

R. L. Brownlee, of Virginia, to be Under Secretary of the Army.

Peter B. Teets, of Maryland, to be Under Secretary of the Air Force.

Christopher Bancroft Burnham, of Connecticut, to be an Assistant Secretary of State (Resource Management). (New Position)

Darryl Norman Johnson, of Washington, to be Ambassador to the Kingdom of Thailand.

2 Air Force nominations in the rank of general.

Routine lists in the Air Force, Army, Coast Guard, Navy.

Pages S11248–49

Messages From the House: Page S11194

Measures Placed on Calendar: Page S11194

Executive Communications: Page S11194

Petitions and Memorials: Pages S11194–97

Executive Reports of Committees: Page S11198

Additional Cosponsors: Pages S11198–99

Statements on Introduced Bills/Resolutions: Pages S11199–S11216

Additional Statements: Pages S11192–94

Amendments Submitted: Pages S11216–36

Authority for Committees to Meet: Page S11236

Privilege of the Floor: Page S11236

Text of H.R. 2330, as Previously Passed and as Amended: Pages S11236–47

Adjournment: Senate met at 10 a.m., and adjourned at 6:29 p.m., until 10 a.m., on Wednesday, October 31, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11248.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported 38 military nominations in the Army, Navy, and Air Force.

TERRORISM RISK INSURANCE

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine the future of providing insurance for terrorist acts, focusing on possible policies between the federal government and the insurance industry to respond to the burden of costs in the wake of the tragedies of September 11th, after receiving testimony from Paul H. O'Neill, Secretary of the Treasury; Pennsylvania Commissioner of Insurance Diane Koken, Harrisburg, on behalf of the National Association of Insurance Commissioners; David L. Keating, National Taxpayers Union, Alexandria, Virginia; David A. Moss, Harvard Business School, Boston, Massachusetts; and Phillip L. Hawkins, Carr America Realty Corporation, Franklin W. Nutter, Reinsurance Association of America, Travis Plunkett, Consumer Federation of America, and Robert E. Vagley, American Insurance Association, all of Washington, D.C.

MAIL TERRORISM

Committee on Governmental Affairs and the Subcommittee on International Security, Proliferation and Federal Services held joint hearings to examine the effects of terrorism on the U.S. mail service, focusing on safeguards to protect postal employees and its customers, after receiving testimony from John E. Potter, Postmaster General, United States Postal Service; Gus Baffa, National Rural Letter Carriers' Association, Alexandria, Virginia; William Burrus, American Postal Workers Union, AFL-CIO, Denise Manley, Brentwood Post Office, and William H. Quinn, National Postal Mail Handlers Union, all of Washington, D.C.; Vincent R. Sombrotto, National Association of Letter Carriers, Port Washington, New York; and Tony DiStephano, Jr., NALC Branch 380, Trenton New Jersey.

Hearings will continue tomorrow.

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine new challenges facing the Low Income Home Energy Assistance Program, which offers primary federal support to help needy households pay their energy bills, fo-

cus on priorities for reauthorization; after receiving testimony from Wade Horn, Assistant Secretary of Health and Human Services for the Administration for Children and Families; Jerry McKim, Iowa Department of Human Rights, Des Moines; Elliott Jacobson, Action, Inc., Gloucester, Massachusetts; and Theresa Hopkins Allsop, Northeast Utilities Foundation, Hartford, Connecticut.

House of Representatives

Chamber Action

Measures Introduced:

See next issue.

Reports Filed:

Reports were filed today as follows: H.R. 2585, to authorize the Secretary of the Interior to conduct a study of the feasibility of providing adequate upstream and downstream passage for fish at the Chiloquin Dam on the Sprague River, Oregon (H. Rept. 107-255);

H.R. 1776, to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas, amended (H. Rept. 107-256);

H.R. 483, regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon, amended (H. Rept. 107-257);

Conference report on H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002 (H. Rept. 107-258); and

Conference report on H.R. 2647, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002 (H. Rept. 107-259).

Pages H7418-H7526

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Culberson to act as Speaker pro tempore for today.

Page H7359

Guest Chaplain: The prayer was offered by Mr. Antoine Incashola, Confederated Salish and Kootenai Tribes of Pablo, Montana.

Page H7361

Recess: The House recessed at 12:51 p.m. and reconvened at 2 p.m.

Page H7361

Suspensions: The House agreed to suspend the rules and pass the following measures:

Extension of Refugee Status for Certain Vietnamese Refugees: H.R. 1840, amended, to extend

eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees;

Pages H7362-64

Presentation of the Public Safety Officer Medal of Valor: H. Con. Res. 243, expressing the sense of the Congress that the Public Safety Officer Medal of Valor should be presented to the public safety officers who have perished and select other public safety officers who deserve special recognition for outstanding valor above and beyond the call of duty in the aftermath of the terrorist attacks in the United States on September 11, 2001 (agreed to by a ye and nay vote of 409 yeas with none voting "nay", Roll No. 408);

Pages H7365-68, H7387-88

Long-Term Care Security Act Amendments: H.R. 2559, to amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance (agreed to by a ye and nay vote of 406 yeas to 1 nay, Roll No. 409);

Pages H7368-69, H7388-89

Congratulating Barry Bonds on His Record Breaking Season: H. Res. 266, congratulating Barry Bonds on his spectacular, record-breaking season for the San Francisco Giants and Major League Baseball;

Pages H7369-72

Benjamin Franklin Tercentenary Commission: H.R. 2362, amended, to establish the Benjamin Franklin Tercentenary Commission;

Pages H7372-74

Norman Sisisky Post Office, Petersburg, Virginia: H.R. 2910, to designate the facility of the United States Postal Service located at 3131 South Crater Road in Petersburg, Virginia, as the "Norman Sisisky Post Office Building" (agreed to by a ye and nay vote of 405 yeas with none voting "nay," Roll No. 410);

Pages H7375-79, H7389

Confederated Tribes of the Warm Springs Reservation of Oregon: H.R. 483, amended, regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon;

Pages H7379-80

Chiloquin Dam Fish Passage Feasibility Study: H.R. 2585, to authorize the Secretary of the Interior to conduct a study of the feasibility of providing adequate upstream and downstream passage for fish at the Chiloquin Dam on the Sprague River, Oregon; **Pages H7380–81**

Buffalo Bayou National Heritage Area Study: H.R. 1776, amended, to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas; and **Pages H7382–83**

First Responder Death and Injuries at the World Trade Center and Pentagon: H. Con. Res. 233, expressing the profound sorrow of the Congress for the death and injuries suffered by first responders as they endeavored to save innocent people in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001 (agreed to by a yea and nay vote of 405 yeas with none voting “nay,” Roll No. 411).

Pages H7383–87, H7390

Recess: The House recessed at 4:46 and reconvened at 6 p.m.

Page H7387

Order of Business—Treasury, Postal Appropriations Conference Report: Agreed that it be in order at any time to consider the conference report on H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002; that all points of order against the conference report and against its consideration be waived; and that the conference report be considered as read.

See next issue.

Senate Messages: Message received from the Senate appears on page H7397.

Adjournment: The House met at 12:30 p.m. and at 11:23 p.m. stands in recess subject to the call of the Chair.

Committee Meetings

POSTAL SERVICE—SAFETY OF POSTAL EMPLOYEES AND MAIL

Committee on Government Reform: Held an oversight hearing on the U.S. Postal Service: The Safety of Postal Employees and the Mail. Testimony was heard from the following officials of the U.S. Postal Service: John E. Potter, Postmaster General; and Kenneth C. Weaver, Chief Postal Inspector, Postal Inspection Service; Mitch Cohen, M.D., Director, Division of Bacterial and Mycotic Diseases, National Center for Infectious Diseases, Department of Health and Human Services; James Jarboe, Section Chief,

Counterterrorism Division, Domestic Terrorism/Counterterrorism Planning Section, FBI, Department of Justice; and public witnesses.

OVERSIGHT—WASHINGTON AQUEDUCT DISCHARGE EFFECTS

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands held an oversight hearing on the Discharge Effects of the Washington Aqueduct. Testimony was heard from John Parsons, Associate Regional Director, Lands, Resources, and Planning, National Capitol Region, National Park Service, Department of the Interior; William T. Hogarth, Assistant Administrator, Fisheries, National Marine Fisheries, NOAA, Department of Commerce; Patricia Gleason, Chief, Maryland and District of Columbia Watershed Branch, Water Protection Division, EPA; Col. Charles J. Fiala, Jr., USA, Commander and District Engineer, Baltimore District, U.S. Army Corps of Engineers, Department of the Army; and public witnesses.

SECURE TRANSPORTATION FOR AMERICA ACT

Committee on Rules: Heard testimony from Chairman Young of Alaska and Representatives Mica, LaTourette, Castle, Smith of Michigan, Ganske, Oberstar, Lipinski, Millender-McDonald, Bonior, Andrews, Jackson of Illinois, Carson, Inslee, Strickland, Udall of New Mexico, and Solis but no action was taken on H.R. 3150, Secure Transportation for America Act of 2001.

GAO'S REPORT—VETERANS' SERVICES

Committee on Veterans' Affairs: Subcommittee on Benefits held a hearing on the GAO's report: “Veterans' Employment and Training Service Flexibility and Accountability Needed to Improve Service to Veterans” and the VA's implementation of the Vocational Training and Rehabilitation program under chapter 31 of Title 38. Testimony was heard from Julius Williams, Director, Rehabilitation and Employment, Department of Veterans Affairs; Charles S. Ciccolella, Deputy Assistant Secretary, Veterans Employment and Training, Department of Labor; Sigurd Nilsen, Director, Education, Workforce, and Income Security Issues, GAO; Roger Madsen, Director, Department of Labor, State of Idaho; representatives of veterans organizations; and public witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST of October 29, 2001, p. D1064)

S. 1465, to authorize the President to exercise waivers of foreign assistance restrictions with respect

to Pakistan through September 30, 2003. Signed on October 27, 2001. (Public Law 107-57)

COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 31, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: business meeting to consider S. 1519, to amend the Consolidated Farm and Rural Development Act to provide farm credit assistance for activated reservists, focusing on credit title provisions, and subcommittee assignments, 2:30 p.m., SR-328A.

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine the progress in making stem cells available to federally-funded researchers, 9 a.m., SD-124.

Committee on Environment and Public Works: Subcommittee on Fisheries, Wildlife, and Water, to hold hearings to examine innovative financing mechanisms related to the drinking water and clean water state revolving fund, 9:30 a.m., SD-406.

Committee on Foreign Relations: to hold hearings on the nomination of George L. Argyros, Sr., of California, to be Ambassador to Spain, and to serve concurrently and without additional compensation as Ambassador to Andorra; the nomination of Robert M. Beecroft, of Maryland, for the rank of Ambassador as Head of Mission, Organization for Security and Cooperation in Europe (OSCE), Bosnia and Herzegovina; the nomination of Lyons Brown, Jr., of Kentucky, to be Ambassador to the Republic of Austria; the nomination of Stephan Michael Minikes, of the District of Columbia, to be U.S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador; the nomination of William D. Montgomery, of Pennsylvania, to be Ambassador to the Federal Republic of Yugoslavia; the nomination of Melvin F. Sembler, of Florida, to be Ambassador to Italy; and the nomination of Ronald Weiser, of Michigan, to be Ambassador to the Slovak Republic, 2 p.m., SD-419.

Committee on Governmental Affairs: with the Subcommittee on International Security, Proliferation and Federal Services, to continue joint hearings to examine terrorism through the mail, focusing on the protection of postal workers and the public, 9:30 a.m., SD-342.

House

Committee on Education and the Workforce, Subcommittee on Select Education and the Subcommittee on 21st Century Competitiveness, joint hearing on Tracking International Students in Higher Education-Policy Options and Implications for Students, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, to mark up the following bills: H.R. 2983, Price-Anderson Reauthorization Act of 2001; and H.R. 3046, Medicare Regulatory, Appeals, Contracting, and Education Reform Act of 2001, 10 a.m., 2123 Rayburn.

Committee on Financial Services, to consider the following measures: H.R. 2871, amended, Export-Import Bank Reauthorization Act of 2001; H.R. 2604, amended, to authorize the United States to participate in and contribute to the seventh replenishment of the resources of the Asia Development Fund and the fifth replenishment of the resources of the International Fund for Agricultural Development, and to set forth additional policies of the United States towards the African Development Bank, the African Development Fund, the Asian Development Fund, the Inter-American Development Bank, and the European Bank for Reconstruction and Development; and H.R. 556, Unlawful Internet Gambling Funding Prohibition Act, 10 a.m., 2128 Rayburn.

Committee on International Relations, Subcommittee on International Operations and Human Rights, hearing on the Afghan People vs. the Taliban: the Struggle for Freedom Intensifies, 3 p.m., 2172 Rayburn.

Committee on Ways and Means, to mark up the following bills: H.R. 2873, Promoting Safe and Stable Families Amendments of 2001; and H.R. 3129 Customs Border Security Act of 2001, 10 a.m., 2167 Rayburn.

Joint Meetings

Conference: closed meeting of conferees on S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, 10 a.m. and 2:30 p.m., SC-5, Capitol.

Commission on Security and Cooperation in Europe: to hold hearings on the Romanian leadership of the Organization for Security and Cooperation in Europe (OSCE), focusing on the work of the OSCE in strengthening security, preventing conflict and management crises in the OSCE region, as well as promoting respect for human rights and democratic values in the OSCE participating states under Romania's Chairmanship, 9:30 a.m., SR-385.

Next Meeting of the SENATE

10 a.m., Wednesday, October 31

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, October 31

Senate Chamber

Program for Wednesday: After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 10:30 a.m.) Senate will continue consideration of H.R. 3061, Labor/HHS/Education Appropriations Act, with a vote on final passage to occur thereon.

House Chamber

Program for Wednesday: Consideration of the conference report on H.R. 2590, Treasury, Postal Appropriations (unanimous consent);

Consideration of the conference report on H.R. 2311, Energy and Water Development Appropriations (subject to a rule); and

Consideration of the conference report on H.R. 2647, Legislative Branch Appropriations (subject to a rule).

Extensions of Remarks, as inserted in this issue

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