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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable DEBBIE STABENOW, a Senator from the State of Michigan.

PRAYER

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

Lord, we read the Bible and there it is: the persistently repeated admonition to give thanks. We know You well enough to know that You do not need the assurance of our gratitude. Surely, the need for thanksgiving must have something to do with our spiritual health. The psalmist said, "O Lord my God, I will give thanks to You forever."—Psalm 30:12. In this life and in heaven, forever is a long time. Paul said, "In everything give thanks; for this is the will of God for you."—1 Thess. 5:18.

In everything, Lord? Suddenly we know the secret. Thanksgiving is the memory of the heart. We have great memories of Your faithfulness. They become cherished memories as we tell You how grateful we are, not only for Your blessings, but, for You. We say with Joyce Kilmer, "Thank God for God!"

Most important of all, we know that when we thank You for all Your good gifts, the growth of false pride is stunted. And when we can thank You even for the rough and tough things in life, we really can let go of our control and trust You to bring good out of the most distressing things. And so, we give thanks! And we praise You for the Senators here who will be casting their votes today. Thank You for the privilege of living in this democracy. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DEBBIE STABENOW led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 21, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEBBIE STABENOW, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. STABENOW thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, we have a vote that will occur immediately on the Murray amendment. The managers and leaders hope others will offer amendments today. We will have the opportunity to do that. This will be the last vote of the day.

RESERVATION OF LEADER TIME

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 2514, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2514) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Murray/Snowe amendment No. 3927, to restore a previous policy regarding restrictions on use of Department of Defense facilities.

Mr. WARNER. Mr. President, Senator SANTORUM consulted with me yesterday at great length about his desire not to have this vote today. He wished to be present. He had to be absent for valid reasons.

I want to state for the record that were the Senator from Pennsylvania, Mr. SANTORUM, present, he would vote in the negative.

VOTE ON AMENDMENT NO. 3927

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAIG), the Senator from Texas (Mr. GRAMM), the Senator from North Carolina (Mr. HELMS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) and the Senator from Pennsylvania (Mr. SANTORUM) would each vote "no."

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

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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The result was announced—yeas 52, nays 40, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—52

Akaka	Dodd	Lieberman
Baucus	Dorgan	Lincoln
Bayh	Durbin	Mikulski
Biden	Edwards	Murray
Bingaman	Feingold	Nelson (FL)
Boxer	Feinstein	Reed
Byrd	Graham	Rockefeller
Cantwell	Harkin	Sarbanes
Carnahan	Hollings	Schumer
Carper	Inouye	Snowe
Chafee	Jeffords	Specter
Cleland	Johnson	Stabenow
Clinton	Kennedy	Stevens
Collins	Kerry	Torricelli
Conrad	Kohl	Wellstone
Corzine	Landrieu	Wyden
Daschle	Leahy	
Dayton	Levin	

NAYS—40

Allard	Fitzgerald	Nelson (NE)
Allen	Frist	Nickles
Bennett	Grassley	Reid
Bond	Gregg	Roberts
Brownback	Hagel	Sessions
Bunning	Hatch	Shelby
Burns	Hutchinson	Smith (NH)
Campbell	Inhofe	Smith (OR)
Cochran	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	McCain	Warner
Ensign	McConnell	
Enzi	Murkowski	

NOT VOTING—8

Breaux	Helms	Santorum
Craig	Hutchison	Thomas
Gramm	Miller	

The amendment (No. 3927) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, I am sure everybody is aware that this is the last vote of the day. I know our colleagues, both Senator LEVIN and Senator WARNER, are interested, however, in continuing debate on the bill throughout the day and on Monday. We will be in session. We will be in a position to entertain amendments and to bring them to closure.

My hope is we can use these 2 days. I am inclined to press for a finite list, but we will not do that today. Senators should be aware that next week is going to be a very busy week. Those who want to wait until Tuesday or Wednesday should not count on having a lot of time to debate their amendments. We have 2 great days—today and Monday—to offer amendments. I hope Senators will do so.

There will be a vote Monday night—at least one and maybe more. So Senators should be prepared to vote on Monday after 5 o'clock. We will announce a time certain after consultation with the Republican leader, and Senators should be prepared to come back and vote on Monday so that we can begin a full day of work on the bill on Tuesday and, hopefully, complete our work Wednesday or Thursday.

I know the distinguished Republican leader has some comments and ques-

tions. I will yield the floor to him at this time.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Mr. President, I thank Senator DASCHLE for his comments and yielding so I can engage in a colloquy with him.

First, regarding the schedule and the majority leader's intent to move forward, I certainly support what he is trying to do. I think good progress has been made this week on the Defense authorization bill. I think we have disposed of two or three issues that could have been very contentious. It took a little time, but we got them done without much difficulty. I assume that next week we will have not more than 4½ days to finish this bill and maybe some other actions in addition to that.

I join the majority leader in urging Members, if they have a serious amendment, to identify it to the managers. This is aimed at both sides. Let's not make up this fictitious list of grand designs where Senators say "I have 10 amendments" when everybody knows he or she has one or none.

Also, it seems to me, as I recall from studying the list, that there are about four other amendments that could take some time and could be somewhat controversial and require some votes. But there should not be a long list. I hope our managers will not have to sit here all day Monday begging Senators to offer amendments and nobody showing up, and then whine on Thursday if the majority leader has to file a cloture and say: I got cut out.

These managers are excellent and experienced and they are going to try to move forward. There has been good cooperation and we need to continue that. Hopefully, we can do effective work on Monday and get a list that we are really going to have to do, and avoid forcing the majority leader to have to file cloture, as he clearly will have to do Tuesday afternoon if we don't have some idea of how we are going to proceed. I used to get into that position, too. It is not always the majority leader's choice.

I want to press the point that this is serious legislation. The country needs it, our military men and women need it. The majority leader did the right thing in moving to it. He has a right to expect us to work in good faith in bringing up amendments that are serious and need to be debated.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I was going to advise the leadership that the distinguished Senator from New Hampshire, Mr. SMITH, is prepared to address the Senate on his amendment. That could start between 4 and 4:30 and perhaps meet the hour designated with the leadership for a vote.

I also wish to request, respectfully, of the leaders to repeat the statements made yesterday by both leaders to the effect that the criteria to be established by the distinguished chairman

and myself is that the amendments must be relevant. Would the leader be kind enough to repeat that for the record so all can hear.

Mr. DASCHLE. Mr. President, let me reiterate what we did say yesterday for the record. Under the agreement we have now entered into, amendments have to be relevant—not necessarily germane, in the definition of Senate parlance, but certainly relevant. We leave it to the two managers to determine that—not the Parliamentarians but the managers. They will be the arbiters of relevancy. They are fair and they are respected on both sides of the aisle. I respect their judgment and will stand behind the decisions they make.

Having said that, I hope we are limiting ourselves to relevant amendments, that Senators at least come forward with some understanding of what the amendments—relevant amendments—are. While we don't need a finite list today, it would be helpful to know what relevant amendments Senators are intending to offer so that we have some ability to schedule for the remainder of the week.

Mr. LEVIN. Mr. President, will the Republican leader yield?

Mr. LOTT. I will be glad to yield.

Mr. LEVIN. First, I thank the majority leader and the Republican leader for their continuing efforts to move this bill along. Senator WARNER pointed out that Senator SMITH will be ready on Monday afternoon with his amendment. I understand Senator DAYTON, who is a cosponsor of that amendment, will also be available. We think we have confirmed that as well. We could proceed perhaps at 4 o'clock. We expect a rollcall vote on that amendment. Perhaps we can get a time agreement on that amendment today, which will also help facilitate this matter.

Both Senator WARNER and I will be here this morning at least, we will be here on Monday, and we hope Senators who have relevant amendments will inform us of that. We also are going to be able to clear some amendments in the next few hours, we hope, and either take care of those today or Monday.

NOMINATIONS

Mr. LOTT. Mr. President, I would like to make a couple of other points. We also need to move some nominations in the next week. Senator DASCHLE and I are trying to find a way to get that process moving. A lot of these are not controversial. They are Republican and Democrat, people such as Congressman TONY HALL, who is awaiting confirmation to be Ambassador for the United Nations Agency for Food and Agriculture. A number of these are U.S. attorneys and U.S. marshals.

I urge the majority leader to consider beginning to do packages as we go along so we do not have them all stacked up at the end on Thursday or Friday where one objection, unrelated to the nominations, could deny all these people who have been waiting, some of them a good while, an opportunity to be considered.

Also, I am concerned that—I don't know—11 or 12 judges are on the calendar. I think most of them are non-controversial. But if we have to have a recorded vote, that could run into a lot of time and could really delay some of our work next week.

I wanted to make that point to the majority leader and urge him to see if we can begin work together to develop a list, large or small, along the way, rather than just one huge package at the end next week.

I yield the floor so Senator DASCHLE can respond.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I share the concern for the growing list of executive nominations. I say to my colleagues that the distinguished Republican leader and I and our staffs have been discussing this matter at length over the course of the last couple of weeks.

There have been meetings as late as yesterday with the White House with regard to an understanding about how we might go forward. I have not had the opportunity to talk with my staff this morning as to the progress made on those discussions, but I have every reason to believe we have made substantial progress and that we ought to be in a position to begin moving all of those nominations on the calendar next week. I also share his view that when that happens, we do not want to leave them to the end.

We may dual track next week to the extent that it is possible with the Defense bill so we can complete work on the Defense bill on schedule but chip away at that Executive Calendar list throughout the week. Certainly, if negotiations have been completed and we have all come to some agreement, it would be my intention to do it perhaps as early as Monday.

Mr. LOTT. Mr. President, if I can get the floor back.

The PRESIDING OFFICER. The Republican Leader.

YUCCA MOUNTAIN RESOLUTION

Mr. LOTT. Mr. President, I wish to raise one other issue. By law, the Senate must consider a joint resolution regarding the Yucca Mountain facility which has passed the House and has been reported out of the Senate Energy and Natural Resources Committee. We are quickly approaching a deadline for that legislation, which is also written in the law. It is my hope we can get an indication as to when that resolution will be scheduled as provided under the statute.

I remind my colleagues that the law provides an expedited process for that measure, and it will only take 10 hours or less if Members decide not to use all the time, of course. We have offered—in fact, I think both sides have offered—suggestions as to how we might proceed. We do have a suggestion for consent that I have sent over to Senator DASCHLE as to how to proceed on the resolution so Members will know

exactly how we will go forward and what time, when we might actually get to it.

It is unclear if that will be accepted, but I just want our colleagues to know we are trying to get some clarification of exactly when we will go to this very important joint resolution dealing with the Yucca Mountain site for nuclear waste disposal.

I add that the majority leader had previously stated his intent to proceed to a number of other important issues in July. We have a lot of important work that needs to be done and only 4 weeks in that time. Given the busy schedule, including the prospect of appropriations bills, it would be my hope that the Senate could consider this resolution even next week. I realize that would be contingent upon completing the Defense authorization bill, but I have a good feeling about how the Defense authorization bill may proceed next week. Maybe I am dreaming on this first day of summer to think we could actually finish it a little early, but I am hoping for the very best, and this resolution could possibly even be brought up next week.

If not then, we do need to get some indication of when we will proceed. It is governed by law. I ask the leader to consider scheduling this measure and giving advice to colleagues as to when he anticipates this matter will be considered.

I yield the floor to Senator DASCHLE for a response he wants to give.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I have no intention at this point to bring it up certainly this coming week. As the distinguished Republican leader knows, I have made no secret of my opposition to the resolution, and I know that sentiment is shared by a large percentage of our colleagues on this side of the aisle.

It is, of course, within the right of any Senator without debate to move to the resolution under the law. This is not a Senate rule. This is a law promulgated in 1982. Any Senator can move to it, and when that occurs, the motion to proceed is voted upon, and then a 10-hour debate, wherein no amendments are authorized to ensue, with a vote to follow at the expiration of that 10 hours.

Every Senator has the confidence that if he or she chooses to make that position, it supplants whatever is on the floor at the time. That is the prerogative, unfortunately in my view, of any Senator given the law. It supersedes all Senate rules. I hope we will not avail ourselves of these expeditious moves in the future. Senate procedure ought to be respected, but I can do nothing about the current circumstances.

As the Senator knows, clearly that is within his right or the rights of other colleagues interested in moving legislation. I would oppose it when or if it is offered, but that is certainly the right of a colleague to consider.

Mr. LOTT. I thank Senator DASCHLE for his comments. I understand this issue is privileged. It is like conference reports. It does not displace anything; it just temporarily interrupts it, and we can go right back to the pending business. That is why I raise the subject.

I want everybody to understand that nobody is trying to shove this in an unfair way. There is a lot of consultation involved on both sides. We want to make sure Members understand how it can proceed and what the issue is and also give Senators who have concerns in opposition full knowledge of what time and how this will come up. That is why I bring it up at this point.

I understand and appreciate Senator DASCHLE's position and the statement he just gave our colleagues.

CONGRESSIONAL BASEBALL GAME

Mr. LOTT. Mr. President, on a final happy note, I observe there was a baseball game last night, really outstanding game to retire the trophy. I am pleased to say the Rumping Elephants were able to bring home the victory and retire the trophy. The score was 9 to 2.

Why would I bring that up in the Senate since usually it is the younger and more inexperienced House Members who play on these baseball teams? In fact, one of the stars of the game was the Senator from Nevada, JOHN ENSIGN, who played a sterling game at shortstop and actually got a walk, a hit, scored a run, and I think snagged about eight balls.

So it just goes to show that Senators not only are older and more experienced but also perhaps more talented.

Mr. REID. Will the Senator yield?

Mr. LOTT. With that glowing conclusion, I yield the floor.

Mr. REID. If the Senator will yield before he leaves, I will say a word in response.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. On a less serious note, the Senator from Mississippi got about as many hits as I did last night; right?

Mr. LOTT. Yes.

Mr. REID. The Senator did about as well as I did in the baseball game, which is not very well. We did not play.

I have sat silently listening to the colloquy between the two leaders on an issue of importance to me, and that is the nuclear waste issue. There are many of us—and I have spoken at great length with the majority leader—who believe the law that was passed stands Senate precedent on its head and there will be a concerted effort by a number of Republicans and a significant number of Democrats, with the majority leader, saying it sets such a bad precedent that the motion to proceed should not, of course, go forward.

While the two leaders are present, I wanted to make sure everyone understood this is not a slam dunk, that the motion to proceed or whatever we want to call this unique aspect of law that passed is certainly not assured of going forward.

Whenever a Republican decides to bring it up, there will be a vote on this so-called motion to proceed, and I am hopeful and cautiously optimistic that it will not prevail. I wanted to make sure everyone understood that.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I am sorry the Republican leader had to bring up the score of the game last night. He could have quietly and graciously noted that the Republicans won, but it is his right to notice publicly that we got trounced last night. But there is another day. I graciously admit defeat in this case. We did have some star players, and I congratulate Senator ENSIGN on his valiant performance. But there is another day, another game, and we are going to try to level the playing field next year. In the meantime, we will try to do the best we can to win our victories on the Senate floor.

Mr. REID. If the leader will allow me to say this: We do appreciate very much that the Republicans did not bring on Hall of Famer JIM BUNNING to pitch against the Democrats.

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

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

AMENDMENT NO. 3953

Mr. LEVIN. Mr. President, on behalf of Senator WARNER and myself, I offer an amendment which would extend the authority for the Secretary of Defense to engage in commercial activities as security for intelligence collection activities. I send that amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. WARNER, proposes an amendment numbered 3953.

The amendment is as follows:

(Purpose: To extend the authority of the Secretary of Defense to engage in commercial activities as security for intelligence collection activities)

On page 90, between lines 19 and 20, and insert the following:

SEC. 346. TWO-YEAR EXTENSION OF AUTHORITY OF THE SECRETARY OF DEFENSE TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES ABROAD.

Section 431(a) of title 10, United States Code, is amended by striking "December 31, 2002" in the second sentence and inserting "December 31, 2004".

Mr. WARNER. Mr. President, the amendment is cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3953) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3954

Mr. LEVIN. Mr. President, on behalf of Senator NELSON of Florida and Senator ALLARD, I offer an amendment which sets forth the sense of the Senate that maintaining assured access to space is in the national security interest and that the Under Secretary of the Air Force should evaluate all options to maintain such access. I send that amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. NELSON of Florida, for himself and Mr. ALLARD, proposes an amendment numbered 3954.

The amendment is as follows:

(Purpose: To express the sense of Congress regarding assured access to space)

At the end of subtitle D of title I, add the following:

SEC. 135. SENSE OF CONGRESS REGARDING ASSURED ACCESS TO SPACE.

(a) FINDINGS.—Congress makes the following findings:

(1) Assured access to space is a vital national security interest of the United States.

(2) The Evolved Expendable Launch Vehicle program of the Department of Defense is a critical element of the Department's plans for assuring United States access to space.

(3) Significant contractions in the commercial space launch marketplace have eroded the overall viability of the United States space launch industrial base and could hamper the ability of the Department of Defense to provide assured access to space in the future.

(4) The continuing viability of the United States space launch industrial base is a critical element of any strategy to ensure the long-term ability of the United States to assure access to space.

(5) The Under Secretary of the Air Force, as acquisition executive for space programs in the Department of Defense, has been authorized to develop a strategy to address United States space launch and assured access to space requirements.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Under Secretary of the Air Force should—

(1) evaluate all options for sustaining the United States space launch industrial base;

(2) develop an integrated, long-range, and adequately funded plan for assuring United States access to space; and

(3) submit to Congress a report on the plan at the earliest opportunity practicable.

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3954) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3955

Mr. WARNER. Mr. President, on behalf of Senator HUTCHISON of Texas, I

offer an amendment which would authorize a land conveyance at Fort Hood, TX, for the purpose of establishing a veterans cemetery.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mrs. HUTCHISON, proposes an amendment numbered 3955.

The amendment is as follows:

(Purpose: To authorize a land conveyance at Fort Hood, Texas)

At the end of subtitle C of title XXVIII, add the following:

SEC. 2829. LAND CONVEYANCE, FORT HOOD, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Veterans Land Board of the State of Texas (in this section referred to as the "Board"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 174 acres at Fort Hood, Texas, for the purpose of permitting the Board to establish a State-run cemetery for veterans.

(b) REVERSIONARY INTEREST.—(1) If at the end of the five-year period beginning on the date of the conveyance authorized by subsection (a), the Secretary determines that the property conveyed under that subsection is not being used for the purpose specified in that subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(2) Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) 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. The cost of the survey shall be borne by the Board.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Mr. WARNER. Mr. President, I understand this amendment has been cleared.

Mr. LEVIN. It has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3955) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3956

Mr. LEVIN. Mr. President, on behalf of Senators AKAKA and INHOFE, I offer an amendment which would authorize, as a force protection measure, the replacement of a public road at Aviano Air Base, Italy.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. AKAKA, for himself and Mr. INHOFE, proposes an amendment numbered 3956.

The amendment is as follows:

(Purpose: To provide authority to use military construction funds for construction of a public road to replace a public road adjacent to Aviano Air Base, Italy, closed for force protection purposes)

At the end of title XXIII, add the following:

SEC. 2305. AUTHORITY FOR USE OF MILITARY CONSTRUCTION FUNDS FOR CONSTRUCTION OF PUBLIC ROAD NEAR AVIANO AIR BASE, ITALY, CLOSED FOR FORCE PROTECTION PURPOSES.

(a) **AUTHORITY TO USE FUNDS.**—The Secretary of the Air Force may, using amounts authorized to be appropriated by section 2301(b), carry out a project to provide a public road, and associated improvements, to replace a public road adjacent to Aviano Air Base, Italy, that has been closed for force protection purposes.

(b) **SCOPE OF AUTHORITY.**—(1) The authority of the Secretary to carry out the project referred to in subsection (a) shall include authority as follows:

(A) To acquire property for the project for transfer to a host nation authority.

(B) To provide funds to a host nation authority to acquire property for the project.

(C) To make a contribution to a host nation authority for purposes of carrying out the project.

(D) To provide vehicle and pedestrian access to landowners effected by the project.

(2) The acquisition of property using authority in subparagraph (A) or (B) of paragraph (1) may be made regardless of whether or not ownership of such property will vest in the United States.

(c) **INAPPLICABILITY OF CERTAIN REAL PROPERTY MANAGEMENT REQUIREMENT.**—Section 2672(a)(1)(B) of title 10, United States Code, shall not apply with respect to any acquisition of interests in land for purposes of the project authorized by subsection (a).

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3956) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3957

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senators AKAKA and INHOFE, which would extend the authorization for a fiscal year 2000 military construction project at Lackland Air Force Base, TX.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. AKAKA, for himself and Mr. INHOFE, proposes an amendment numbered 3957.

The amendment is as follows:

(Purpose: To authorize the extension of a fiscal year 2000 military construction project for a dormitory at Lackland Air Force Base, Texas)

In the first table in section 2702(b), insert after the item relating to Tinker Air Force Base, Oklahoma, the following:

Texas	Lackland Air Force Base	Dormitory	\$5,300,000
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Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3957) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3958

Mr. LEVIN. Mr. President, on behalf of Senators AKAKA and INHOFE, I send an amendment to the desk which would make a technical correction to the land conveyance at Westover Air Reserve Base, MA, in section 2824 of the bill.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. AKAKA, for himself and Mr. INHOFE, proposes an amendment numbered 3958.

The amendment is as follows:

(Purpose: To make a technical correction regarding the land conveyance, Westover Air Reserve Base, Massachusetts)

On page 336, beginning on line 10, strike "188 housing units" and insert "133 housing units".

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3958) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3959

Mr. LEVIN. Mr. President, on behalf of Senators AKAKA and INHOFE, I send an amendment to the desk which would make a technical correction to a fiscal year 2003 military construction project authorization in Korea and to the amount authorized for a military construction project in Germany.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. AKAKA and Mr. INHOFE, proposes an amendment numbered 3959.

The amendment is as follows:

(Purpose: To make technical corrections to authorizations for certain military construction projects for the Army)

In the table in section 2101(b), strike the item relating to Landstuhl, Germany, and insert the following new item:

	Landstuhl	\$2,400,000
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In the table in section 2101(b), strike the item relating to Camp Walker, Korea, and insert the following new item:

	Camp Henry ...	\$10,200,000
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Mr. WARNER. Mr. President, the amendment is cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3959) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3960

Mr. LEVIN. Mr. President, on behalf of Senators AKAKA and INHOFE, I offer an amendment to make a correction to a fiscal year 2001 military construction

project authorization in Korea. This is a different amendment. I send that to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. AKAKA and Mr. INHOFE, proposes an amendment numbered 3960.

The amendment is as follows:

(Purpose: To modify the authority to carry out a certain fiscal year 2001 military construction project for the Army)

At the end of title XXI, add the following:

SEC. 2109. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECT.

The table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106-398; 114 Stat. 1654A-390) is amended by striking "Camp Page" in the installation or location column and inserting "Camp Stanley".

Mr. WARNER. Mr. President, the amendment is cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3960) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3961

Mr. LEVIN. Mr. President, on behalf of Senators CLINTON and SCHUMER, I offer an amendment which would modify leasing authorities under the alternative authority for acquisition and

improvement of family housing. I send that amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mrs. CLINTON and Mr. SCHUMER, proposes an amendment numbered 3961.

The amendment is as follows:

(Purpose: To modify leasing authorities under the alternative authority for acquisition and improvement of military housing)

At the end of subtitle A of title XXVIII, add the following:

SEC. 2803. MODIFICATION OF LEASE AUTHORITIES UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) LEASING OF HOUSING.—Subsection (a) of section 2874 of title 10, United States Code, is amended to read as follows:

“(a) LEASE AUTHORIZED.—(1) The Secretary concerned may enter into contracts for the lease of housing units that the Secretary determines are suitable for use as military family housing or military unaccompanied housing.

“(2) The Secretary concerned shall utilize housing units leased under paragraph (1) as military family housing or military unaccompanied housing, as appropriate.”.

(b) REPEAL OF INTERIM LEASE AUTHORITY.—Section 2879 of such title is repealed.

(c) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading for section 2874 of such title is amended to read as follows:

“§ 2874. Leasing of housing”.

(2) The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended—

(A) by striking the item relating to section 2874 and inserting the following new item:

“2874. Leasing of housing.”; and

(B) by striking the item relating to section 2879.

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3961) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I intend to remain for a period of time in case any Senator comes to the floor. Then we will consult on such time as we recommend to the leadership if this bill is laid aside, and such morning business time as may be, in the leader's judgment, appropriate.

In a few minutes I hope to address the Senate with regard to the NATO forthcoming enlargement issue, as well as those issues relating to other matters which are important. I have some visitors at this moment, so I will have to absent myself from the floor.

Mr. LEVIN. Mr. President, I thank the Senator from Virginia. I will also be available in the event someone with an amendment does come to the floor. I have to leave also for a few minutes, but I will be available for some time to join you and welcome anybody who

does come to the floor with an amendment.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that we go into a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

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

The Senator from Alaska, Mr. MURKOWSKI, is recognized.

YUCCA MOUNTAIN RESOLUTION

Mr. MURKOWSKI. Mr. President, I want to bring to the attention of my colleagues the development on the Yucca Mountain resolution, specifically what it means, and share a few realistic observations on just what we are talking about as we reflect on our obligation to address the waste in this country.

In the past 2 days, I have come to the Senate floor to speak in morning business on S.J. Res. 34. I have spoken generally on the need to move this resolution and the procedure under which the resolution will move. I was pleased to see that the two leaders had an opportunity to discuss this earlier in the day. I think it is fair to say that, clearly, we are left with the appropriate procedure, which simply mandates that any Member may bring this up upon recognition of the Chair at any time. So it is quite appropriate that the leaders related the parliamentary procedure.

I want to speak specifically about what the resolution does and does not do. This seems to be a point of contention in the minds of some. The resolution merely reaffirms the present recommendation of Yucca Mountain as a suitable site for this Nation's permanent geologic repository. That is simply all there is to it. It does not license the repository. It does not build a repository. It does not start the transportation of spent fuel from reactors tomorrow or the next day. It does not start transportation of high-level nuclear waste from the Department of Energy weapon sites. It does none of those things.

The resolution gives the Department of Energy the go ahead to begin the licensing process with the Nuclear Regulatory Commission and that is simply all there is to it.

Now, I have already given, in a series of presentations, a little background of the fact that we have collected some \$17 billion from ratepayers in this country, and that the Federal Government signed a solemn contractual commitment to take the waste in 1998. The Federal Government has breached the sanctity of that contract. It is estimated that the damages and suits against the Federal Government are somewhere in the area of \$40 billion to \$70 billion. That is an obligation to the U.S. taxpayers because the Congress of

the United States has not forced, if you will, compliance of that contractual commitment.

A lot of people simply dismiss this as something we can put off. You can put it off all right, but you are going to do it at the expense of the taxpayers. This was a contract. The ratepayers that use nuclear energy paid into a fund. The Federal Government has held that money to take the waste in 1998. The Federal Government is in violation of that contract. It is just that simple.

We have an opportunity and obligation to move. The House has moved, the Senate has not because the licensing process is a first of its kind. No one anticipates it is going to move quickly or smoothly. Both the DOE and the Nuclear Regulatory Commission indicated a great deal of work needs to be done before any repository is licensed to construct. The resolution is no real guarantee that Yucca will be built, but it certainly moves the process along. I know that is what some don't want to hear. I certainly hope it is not the case, but the reality is that we have no guarantee that the Department of Energy will be able to meet the licensing requirements imposed by the NRC.

We have an obligation to move this process along under the structure that was agreed to many years ago. Now, it is true the NRC has issued a sufficiency letter that indicates the Commission believes the DOE will, at the appropriate time, have sufficient information to apply for and receive the license, but only time and additional work will tell. Opponents of Yucca Mountain have indicated, for instance, that we should not pass this resolution because there are a number of unresolved technical issues. As a matter of fact, there are issues that both DOE and NRC have agreed will be resolved in the licensing process.

There are a number of other issues that should have been raised, such as transportation, that cannot and should not be resolved prior to making the decision regarding licensing of Yucca Mountain. Transportation to and from Yucca will be resolved in the licensing process. To use it now is as a scare tactic—which some have suggested—or a reason to vote no on the resolution is irresponsible.

I want to point out that, for the past 30 years, the United States has seen close to 3,000 shipments of spent fuel and high-level waste go across the surface of our country—the railroads and the highways—and not one of these shipments has resulted in a harmful release of radiation. We are doing this now and we are doing it safely. These are the existing transportation routes on this chart—the interstate highways from the State of Washington through Idaho. It goes from Hanford, and you pick up the National Laboratories, you pick up Rocky Flats, Los Alamos, and the Livermore Lab in San Francisco. This is the route of movement of waste. It moves over to South Carolina and up and down the east coast. It

moves to Savannah. It moves to the Waste Isolation Plant, WIPP, where most of this is concentrated, but certainly not all of them.

The point is, the waste has been moving around the country—military waste—for a long period of time. There are no demonstrations, there are no particularly extraordinary methods.

In this photo, you can see the truck hauling the waste. It is in canisters that can withstand fire. At one time, we had the capability of designing a cask that could stand a free fall of 30,000 feet and it would not penetrate the interior. So we have built these casks adequately and safely.

Some have indicated that these waste shipments are only a few. I think it is to the contrary. This chart shows spent fuel shipments regulated by the NRC from 1964 through the year 2000. We have had almost 3,000 shipments. We shipped over 1.7 million miles and we have had zero radiation releases. For low-level radiant waste shipments to WIPP from 1997 to 2001, we have had 896 shipments, and we shipped about 900,000 miles. So we have a total of 3,800 shipments total, 2.6 million miles, with no harmful radiation releases.

We have the technology and, obviously, if we can build reactors to generate power, we certainly have the capability to transfer and transport the energy, the rods that go in the reactors. Nobody seems to say anything or have any great concern about the reactor fueling process itself or how the fuel is shipped across the country. But we have this hue and cry that somehow it is dangerous to move this waste on our highways and railroads. We have that capability. We have responsible people—scientists, engineers—who are competent to move this. Some suggest we should resolve this in a town hall meeting atmosphere. We need experts, engineers, technicians. They are staking their reputation—just as those who develop the nuclear energy industry in this country—on their capability to move this safely.

My point is that it has been done. It is proven. This is military waste, but now we are talking about private waste from our reactors. Some have also said this is a decision being made in haste; that we ought to put it off for more resolve. Nothing could be further from the truth. We have spent 20 years in this process. We have expended over \$4 billion at Yucca drilling into the mountain—I have been there; I have gone in—to determine whether the site is scientifically and technically suitable for development of the repository. This is not a decision that was made in haste. This is a decision that has been made actually over 24 years of extensive study by the world's best scientists.

As a consequence, I am confident in the work done to date by the Department of Energy. But this work will not cease with this recommendation on the resolution. On the contrary, scientific investigation and analysis will con-

tinue for the life of the repository. In sum, I cannot think of any reason except perhaps plain old opposition, which we have a little bit of here, to the fact of the repository itself and the realization of putting off a vote on the resolution, which is the business at hand.

The science is going to continue through the licensing process and well beyond. Transportation matters will be addressed thoroughly in the licensing process by the appropriate agencies. Plus, we already have an excellent record in that area upon which to build. The decision is not being rushed. It is something that has been in the works for over two decades.

As we look at the competence of our nuclear program development, whether it be military, whether it be nuclear submarines that are on patrol constantly, whether it be under our agreement to reduce our nuclear capability by cutting up some of the old submarines, by removing, if you will, the reactors, we have competent people in charge of this operation. Anything less that would suggest we cannot move this waste is simply an excuse for inaction.

Every Member has to reflect on an obligation that after we set up a procedure to take the waste in 1998, certainly the Federal Government should honor the terms and conditions of that contract, and Members should not look for an excuse to simply punt on this issue.

The bottom line is, let's face it, I say to my colleagues, and the simple reality is, nobody wants this waste. Politically, it is dynamite. We have waste stored in Hanford, the State of Washington, Savannah, we have waste stored up and down the east coast. Do we want to leave it there, where it is unprotected, or do we want to move it to one place on which we can agree? Let's recognize the reality. We have expended the funds. We made the commitments. Now it is time to move. We cannot dodge this for another Congress.

I thank the Presiding Officer for recognition and wish him a good day. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. The Senate is in morning business.

AMTRAK

Mr. CARPER. Mr. President, it is Friday. The weekend starts for most people today. It looks as if it is going to be a great weekend whether at the Delaware beaches or the New Jersey shore. Next weekend might start a little early for a lot of people in this country, for hundreds of thousands, maybe millions of commuters from Trenton, NJ, to New York, Connecticut, Philadelphia, Wilmington,

Baltimore, Washington, Chicago, and out on the west coast, L.A., and a lot of other places as well because right now it looks as if, starting in the latter part of next week, Amtrak will begin an orderly shutdown of its operations, and there will be a cascading effect that will also lead to disruption of commuter operations in all those cities and many others I did not mention.

Amtrak is running out of operating funds for this fiscal year. They expect to run out of operating funds sometime in early July. The new president of Amtrak has announced his intention to try to negotiate a loan for Amtrak from a consortium of commercial banks, which Amtrak has done any number of times in the past, for operating moneys to bridge a period of time until the new Federal grant comes through or to negotiate money for capital improvements to Amtrak.

Those negotiations were underway in earnest early this week. I understand the auditors for Amtrak were not able to say with conviction that Amtrak was a going concern because, in part, of the announcement of the administration yesterday for the Amtrak restructuring plan, which is really, in my judgment, an Amtrak dismantling plan.

Rather than Amtrak being able to negotiate the bridge loan with private lenders to carry them through the end of the year when our new appropriation might be available, Amtrak faces a cutoff of its operations, again, the impending effect on commuters throughout this country late next week.

The Presiding Officer and I have discussed this situation any number of times in the year and a half we have been here, and we have discussed it more earnestly in the last week or two. I am mindful of the efforts he is making to avert what could be a disaster. They are efforts that are supported by any number of our colleagues.

A week or so ago, 52 of us finished putting our signatures on a letter to the ranking members of the Senate Appropriations Committee voicing our support for a \$1.2 billion appropriation for Amtrak in the next fiscal year. A week or so prior to that, the Senate voted to accept a provision included in the Senate appropriations bill for another \$55 million as part of an emergency supplemental to enable repair work to begin on Amtrak locomotives, passenger cars, and sleeping cars that had been damaged in wrecks around the country, wrecks, frankly, not caused by Amtrak or Amtrak's neglect, but because of trucks that were on the tracks in some places and because of problems with track bed outside the Northeast corridor that led to a derailling.

That money is in the emergency appropriations bill passed by the Senate and is one of the items at issue in the conference. I have been led to believe the President has threatened to veto even those moneys as part of the emergency supplemental if they remain in the bill.

We are looking at a train wreck. It seems to me we look at a train wreck about every year close to this time.

I wish to take a moment this morning to look back over time. I would like for us to go back to 1970. That was when Amtrak was created. Amtrak was created because our Nation's private railroads did not want to continue to carry passengers. They could not make money doing that. They wanted out of the business. Then-President Richard Nixon signed into law legislation creating Amtrak.

The deal was the private railroads would pony up some money to buy Amtrak stock. They agreed to turn over all of their old locomotives, their old passenger cars, their old dining cars, their old sleeper cars. They agreed to turn over their old track bed in the Northeast corridor between Washington and Boston, old overhead wires, old signaling systems, old repair shops around the country, old train stations, and give all that to Amtrak.

Somehow Amtrak, with a little seed money, was to make a go of, and begin turning a profit from, operations that the private sector could not make profitable. It did not happen. We should not be surprised that it did not happen because it has not happened in other countries either.

For those Americans who this summer are going to be traveling to places in Europe—England, France, Spain, Italy, Germany, up into Scandinavia—throughout Europe, they are going to ride on trains that will almost take their breath away, beautiful trains, trains that run at speeds of close to 200 miles an hour, trains where one can sit with a cup of coffee or a cup of tea on the table and it does not even rattle or vibrate.

Americans are going to be traveling to places in Asia this summer, and they will ride trains in Japan and other countries that provide a similar high-quality, fast, dependable service. In those countries, the private sector does not operate that train service. The national governments of those nations have decided it is in their naked self-interest to invest their taxpayers' dollars in national passenger rail service. They do not do it out of some sense of altruism. They do it because they realize that in order to relieve congestion on their highways and in their airports, passenger rail can make a big contribution toward reducing that congestion.

Those countries, those governments, realize that in order to reduce their dependence on foreign oil and to reduce their trade deficits, passenger rail service can make a real contribution.

They have problems with clean air in those countries as well, and they realize, compared to the emissions that come out of their cars, trucks, and vans, that the emissions emitted by passenger trains are far less.

We have similar kinds of concerns in this country. We have congestion around our airports and on our Nation's highways worse by far than we

did in 1970. We have problems with air pollution that are as bad, or maybe worse, than the problems we faced in 1970, certainly with respect to global warming and carbon dioxide in our atmosphere. We have a trade deficit in this country that makes our trade deficit woes of 1970 pale by comparison. Over half of our oil is imported, and that number is growing. In the 1970s, not even a third of our oil was imported.

National passenger rail service will not solve all of these problems for the United States, but it will help us to reduce the size of those problems. We can take a lesson from our neighbors, our sister nations in Europe and in Asia, and we ought to do that.

There are a whole series of things that need to happen this year and next. I want to mention those, and then I will close. We need to pass an emergency appropriations bill that includes at least \$55 million so the work can begin on repairing wrecked trains in order to provide service to people, especially the Auto Train south of Washington to Orlando, FL, where Amtrak actually makes money. We need to keep that money in the supplemental appropriation. It would be great to grow it, but we at least need to keep that money.

The White House has, in my judgment, a moral responsibility. Having acted this week in a way that I believe disrupts Amtrak's ability to negotiate a private sector loan from a consortium of banks for \$200 million to carry them through the end of this fiscal year, the administration should use their discretion, authorized under law, as I understand, through the FRA, to provide a loan guarantee so that Amtrak can obtain the money it needs to avoid the kind of disruption we are going to begin witnessing by next weekend if nothing is done.

We need to take up in the Senate the Amtrak reauthorization bill, which has cleared the Committee on Energy and Commerce by a vote, I think, of 21 to 3. Senator HOLLINGS has been a champion for passenger rail service. He has authored very good legislation. Many of us have cosponsored it. We need to take it up, and we need to pass a motion to proceed and debate it.

If people want to offer amendments to it, that is all well and good. We debate amendments, vote them up or down, and then move on to the bill. Fifty-two of our colleagues in the Senate have said: We believe Amtrak ought to be funded at \$1.2 billion next fiscal year, and we need to go forward. As we take up the appropriations bill, we need to provide that money through the appropriations process in the Senate and work with our colleagues in the House and in the administration.

Finally, we need a good, healthy debate on what the future of passenger rail service should be in this country. I realize that the heydays of passenger rail of the 1800s and the early 1900s are behind us, but there is still a huge need

for the good that passenger rail service can provide us with respect to congestion, air congestion, highway congestion, with respect to reducing the emissions into our air, and with respect to reducing our reliance on foreign oil and trying to curtail, at least a little, our trade deficit.

What should the future passenger rail service be in this country? In my judgment, it ought to include making the Northeast corridor world class. As to the beautiful Acela Express train service that is now available, we are not able to harness the full potential of those trains from Washington to Boston because of the work that can and should be done to the track bed, to the overhead wires, to the signaling system, to enable the trains to go 150 or 160 miles an hour, which is faster than in many places they can now go.

We need to begin developing high-speed rail corridors in other parts of this country, the southeastern United States and Florida, in and out of Atlanta. The Northeast corridor finally should be extended at least into Virginia, maybe as far as Richmond. I know there are people in North Carolina who would like to see the Northeast corridor extended into North Carolina where they are investing in passenger rail service on their own.

There are any number of densely populated corridors such as out of Chicago, Chicago/St. Louis, Chicago/Milwaukee, Chicago/Indianapolis, Chicago/Detroit, where it makes a lot more sense for people to travel on high-speed trains instead of on commuter airlines that are going less than 300 miles.

On the west coast, whether it is L.A. to San Diego or maybe L.A. to Las Vegas, L.A. to San Francisco, Portland, Spokane, Seattle, Portland-Seattle, Seattle-Vancouver, those are areas that are just ripe for high-speed passenger rail. The challenge for us is how to raise the money to put in place the infrastructure, the high-speed rail capability, the track bed, the overhead wires, the signaling, to be able to provide the service where it would be used.

The former chairman of the Amtrak board of directors who succeeded me on the Amtrak board, and preceded me on the Amtrak board, is former Wisconsin Governor Tommy Thompson, now Secretary of Health and Human Services. He and I believe, as do many others, including many in this body, there needs to be a dedicated source of capital for passenger rail service in this country to make world class the Northeast corridor, to begin developing, in conjunction and coordination with the right-of-way of freight railroads, the high-speed corridors in these densely populated areas of America.

I was struck to learn a couple of years ago that 75 percent of the people in America today live within 50 miles of one of our coasts. Think about that. As time goes by, the density of our population, especially in those coastal

areas, will not diminish, it will increase. The potential good that passenger rail service can provide for us will increase as well.

Not everybody wants to ride a train from one end of the country to the other. Some people do, but a lot of people could benefit by riding a train in a densely populated corridor. A lot of people every day ride the longest train in the world, and that is the Auto Train that leaves just south of Washington, DC, down to near Orlando, FL, and back every day.

There are people who ride trains that go through spectacular parts of America. They go along the northern part of America, the Northwest, and the Coast Starlight from the west coast from one end of California up to the Canadian border. People are willing to pay good money to ride those trains.

I think one of the big questions we face is, What do we do with the other long-distance trains where Amtrak is unable to provide service and out of the farebox pay for the full cost of the service? I was always frustrated as Governor that when Delaware received Federal transportation monies, we did not have the discretion to use any of that money to help pay for passenger rail service in our State, which did not make sense.

For example, we could use our Federal congestion mitigation money in my State—other Governors could in their States—for freight railroads. We could use it for roads and highways. We could use that Federal congestion mitigation money for bicycle paths. We could not use it for passenger rail service, even if it made sense for our States. That is foolish. That ought to change. This Senate has tried to change it any number of times. We have not gotten the support we need from the other body. Sometimes we have not gotten the support we need from the administration. We should give Governors and mayors the discretion to use a portion of their money to help underwrite the cost of long-distance trains that are not fully sustainable.

A number of years ago when I was on the Amtrak board, we started an experiment to see if Amtrak might partner with the freight railroads, when operating outside the Northeast corridor, to carry things other than people, such as mail, express packages, but also to carry other commodities, even perishable commodities, that are highly time sensitive in terms of getting where they are needed.

A lot of times, shippers will use trucks because they believe there is a greater reliance in terms of on-time performance, and especially in shorter distances, but a greater ability than trucking to provide on-time performance, and we started an experiment to see if maybe we could carry not only people but commodities as well, and specially designed cars attached to Amtrak trains. If Amtrak were able to make money carrying these commod-

ities on the track bed of a freight railroad, Amtrak would share the profits with the freight railroads. Amtrak would have a way to supplement its costs and to underwrite its costs of the long-distance trains which, frankly, do not make money.

Amtrak has entered into an agreement with, I believe it is the Burlington Northern-Santa Fe Railroad, to be able to do that kind of thing, and it has attempted to negotiate with other freight railroads. That could be part of a solution as well. I am not sure there is consensus in this body as to what the long-term passenger rail system should be in this country. I am not sure we know.

We do know if we do not do something, if the administration does not do something, by next weekend we are going to have a train wreck. Not a literal train wreck but a figurative train wreck. A lot of people who will want to go to work next Thursday or Friday are not going to get to work or they will end up in traffic jams in and around their cities and communities, the likes of which they have not seen for a long time. Maybe on the brighter side, some people who didn't want to go to work next Thursday or Friday will get a long weekend. For them, maybe that is good. For our Nation, this is not good.

We need to address this issue. We need to address it today. The administration has that capability of addressing it today. The administration should use discretion as provided to the Federal Railroad Administration to use the loan guarantee to enable Amtrak to go forward for us to have an orderly debate over this fiscal year to determine the long-term course for passenger rail service in America.

Mr. KERRY. Mr. President, I would like to respond to the comments made yesterday morning by the Secretary of Transportation in regards to Amtrak.

Frankly, I am puzzled by his remarks yesterday, puzzled because many of us in this body have been calling for the administration to take a position on Amtrak's future since last July, when a group of us met with Secretary Mineta and Federal Railroad Administrator Rutter. Earlier this year, when the Commerce Committee prepared to mark-up the National Defense Rail Act, we again sought the administration's input. The administration did not raise any significant objection, and the bill was reported favorably by the committee by an overwhelming margin.

Indeed, the only thing we knew of the administration's feelings toward Amtrak was that the Office of Management and Budget refused to release the \$100 million in funding that the Congress appropriated late last year for improved security on trains and in stations.

After a full year of being AWOL on this issue, the administration suddenly announced that it would like to see massive, but vaguely defined, struc-

tural changes at Amtrak. And Secretary Mineta has said that without these big changes, whatever they may be, the administration will oppose Congressional attempts to increase funding for Amtrak. The Senate should not be cowed by this kind of bullying. The administration could have been a full partner in this process by raising these concerns last year, or even before the committee considered the National Rail Defense Act.

Instead, the administration has chosen to take a position that is diametrically opposed to the goals of the National Defense Rail Act, which now has 35 cosponsors. Rather than give Amtrak the resources it needs to run a forward-looking, national rail system, it seeks to tear down our national rail system and replace it with a model similar to the failed British model of rail privatization. The administration would like to have a regional passenger rail system, based on a model that is universally derided for its inefficiency and its lack of safety. The British experience has shown us that safe, efficient, reliable service cannot be done on the cheap. But that kind of short-sighted penny-pinching is exactly what the President has in mind. This strategy could strip countless communities, including several in Massachusetts, of train service, further reducing transportation alternatives in those parts of our country.

Much as the administration would like to score philosophical points with conservative think tanks, the issue here is not who actually runs the trains and maintains the tracks. The fact is that the most important issue for Amtrak is funding, and whether we want to dedicate the sort of funds that will be necessary to maintain and enhance a national passenger rail network, and whether we want to try to build high-speed rail corridors into that network.

In his remarks yesterday, Secretary Mineta said "The country can ill afford to throw billions of Federal dollars at Amtrak and just hope its problems disappear." He is right about one thing: We cannot wish away Amtrak's problems. But Amtrak's biggest problem is that, for 30 years, we have given it just enough funding to get by, but never enough to be truly viable. In his most recent review of the company's finances, the Department of Transportation's Inspector General mused, "It's amazing that Amtrak has gotten this far." While Amtrak has limped along on insufficient funding, our highways have become choked and our skyways will soon be once again strained beyond their capacity.

Now we hear that Amtrak is prepared to shut down as soon as next week unless it receives immediate financial assistance. This will leave 22.5 million riders without train transportation. Let's be clear: The administration, by virtue of its non-involvement in this issue, will bear the responsibility for this unprecedented blow to our national transportation network. I would

like to know how the administration will handle the immediate extra burden placed on other transportation modes. Rather than put \$200 million into Amtrak, it appears they would prefer to continue to spend billions more on already-clogged highways and skyways.

We must remember that this Nation has spent less than 4 percent of our Nation's transportation budget on inter-city passenger rail over the life of Amtrak. We've spent more than \$300 billion spent on highways, nearly \$200 billion on airports and just \$35 billion on inter-city passenger rail in 32 years.

As Amtrak's ridership has increased despite its financial condition, that is not good enough anymore.

I would also add that Amtrak's place in the \$2-trillion Federal budget is tiny. We spend \$150 billion per year on debt service alone, but just \$521 million on inter-city passenger rail. The Commerce Committee's bill, authorizes full funding for Amtrak's security, operating and capital needs. For the first time in its 30-year history, we would appropriately fund passenger rail.

I think a lot of criticisms frequently raised about Amtrak are indeed warranted. Its management structure is top-heavy and unwieldy. The company's new president has already announced plans to restructure management. That is a positive step, but we can and should reserve judgment on the success of that restructuring until it is fully implemented.

Amtrak is not sufficiently insulated from political pressures. That is also a legitimate concern, and one that must be addressed. Language inserted in the National Rail Defense Act would take a step toward ensuring that decisions about route terminations are made based on objective financial criteria. Still, we must do more to ensure that Congress provides oversight of the company, without unduly burdening it.

Clearly, the company's fiscal problems have been exacerbated by the Congress's unrealistic requirement that Amtrak meet an "operational self-sufficiency." As a result, Amtrak explored a wide variety of revenue options, with varying degrees of success. The new CEO, David Gunn, has expressed a desire to return Amtrak to its fundamental mission of moving people.

As these changes in the company are implemented, I believe it would be a grave mistake to allow the termination of Amtrak. And make no mistake, that is the road we are headed down. So I urge my colleagues to work toward an appropriation that will allow Amtrak to stand on solid financial ground in the short term, and toward passage of reauthorization legislation that allows our country to develop high-speed rail corridors without sacrificing traditional rail service. Unfortunately, the administration's plan does neither of those things.

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

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

THE PRESIDENTIAL INITIATIVE TO REDUCE AIDS TRANSMISSION

Mr. DASCHLE. Mr. President, Wednesday I was asked by a member of the press about the President's announcement of an initiative to spend \$500 million, including \$200 million Congress has already approved for the current fiscal year, to fight the global AIDS pandemic by targeting the transmission of the disease from mothers to infants.

I applauded the President and his decision. His participation in the bipartisan campaign to combat this international health crisis is welcome and significant.

It is important to understand, however, that the President does not pledge any new resources until 2004. And the overall amount of resources he does commit to, while important, isn't enough.

The human toll this health crisis has already inflicted on this country and the world is staggering.

Every twelve seconds, one person dies due to complications from AIDS. Every minute, one of those people is an infant.

Each day brings 14,000 new infections, with half of those infected under the age of 25.

There are currently 30 million people with HIV in Africa, and the National Intelligence Council estimates that number could double in the next five years.

And, as if these numbers are not tragic enough, there is one more staggering statistic: by the end of this decade forty-four million children will have lost their parents to AIDS.

It is also important to understand that, as these statistics demonstrate, the international community doesn't have the luxury of time in reversing the spread of AIDS worldwide. Good intentions must be matched by commensurate resources if we are to reverse current trends.

Earlier this month, against the backdrop of those horrific—and mounting—numbers, the Senate debated its version of the FY2002 emergency supplemental appropriations bill. Prior to the Senate's consideration of this important legislation, a bipartisan group of Senators urged the Appropriations Committee to provide additional resources in this bill to combat AIDS so that funds to address this problem could be released right away.

The committee responded by including \$100 million to fight AIDS and other diseases in the supplemental. And before the Senate could take up the committee's work, a group of senators—Democratic and Republican—

proposed that this bill not leave the Senate floor with less than \$500 million for this purpose.

Regrettably, according to news stories, the White House feels \$500 million is too much for AIDS this year.

Under pressure from the White House, several Republican Senators withdrew their support for adding \$500 million for AIDS this year, and the effort failed. The Senate was forced to settle for \$200 million.

Just \$200 million to fight a deadly disease that already infects 40 million people and is projected to infect millions more.

So, while I find Wednesday's announcement an encouraging indication of a growing awareness within the administration of the need to engage in the battle against the international AIDS crisis, the resources it is willing to commit to this challenge still fall far short of what is needed. And far short of what I believe this great nation is capable of and should be doing.

As for availability, the President's initiative sets aside \$300 million in fiscal year 2004, 16 months from now.

Based on UN estimates, over those next 16 months, more than 1.1 million babies could contract HIV. The President's plan aims to prevent just 146,000 infections in 5 years.

Again, these resources are welcome, but I cannot help but feel that we have just missed a tremendous opportunity. When we wait to dedicate the resources necessary to fight this battle, we make our eventual victory against this threat harder—and more costly.

Does the administration truly believe that this \$300 million could not be spent wisely and well now? If not, why?

So I come to the floor this afternoon to offer to work with the President and my colleagues to do two things with regard to the new initiative.

First, because the transmission of HIV from mother to child is an area where we know we can reduce the spread of HIV, it is vital that we increase funding in the area of mother-to-child transmission. But it is not enough to keep children from being infected with HIV *in utero*. We should commit to a major effort to treat the mothers and other family members already infected with the deadly virus so that children, free from the virus at birth, will grow up not as orphans, but with the support of their families.

Second, I do not believe we should wait until 2004 to put this initiative fully into action. We should include the full \$200 million in this year's supplemental, and we must find significant, additional resources in the next fiscal year.

On a bipartisan basis during the last two years, Congress has significantly increased the amount of resources the President has sought for the global HIV/AIDS battle. And we must do so again.

In announcing Wednesday's initiative, President Bush said, "The wasted

human lives that lie behind the numbers are a call to action for every person on the planet and for every government."

He is right.

Our nation has begun to heed that call, but our commitment to beating back this disease and our compassion for the millions who now suffer—compel us to do much, much more.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Virginia.

Mr. WARNER. Madam President, I thank the distinguished leader for the assistance he has given, together with the Republican leader, in moving this bill forward. I am going to address the Senate momentarily on an aspect of this bill, I say to the majority leader, and then he can give us guidance as to when this bill can be set aside.

Parliamentary inquiry: It is this Senator's understanding the Senate is in morning business.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I ask unanimous consent we return to consideration of the bill so I may address certain sections of the bill.

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

Mr. WARNER. At the conclusion of my remarks, I request we again lay aside the bill and return to morning business.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003—Continued

Mr. WARNER. Madam President, periodically I have addressed the Senate on my concerns regarding the tragic strife in the Middle East. I did so on May 2 of this year and in the RECORD of that day are my comments with regard to the situation as of that date. Regrettably, the situation has continued to worsen.

Our President is actively engaged with the Secretary of State and the Secretary of Defense. I have had the opportunity to speak to all of them about this situation and express my views.

I know of no conflict of recent times that is more serious, in terms of how its tentacles are far reaching throughout the world. It is affecting, in some way, our ability to pursue terrorism worldwide. It is affecting our ability to take further actions to bring about our goals in Afghanistan. It is affecting the planning that this Nation must make from time to time—not referring to war plans, but just planning—as to how we deal with Iraq. Iraq is continuing, under the leadership of Saddam Hussein, to manufacture and warehouse weapons of mass destruction. I think the facts are irrefutable.

At the core of all of this decision making is this continuing conflict in the Middle East. I have said and I will

say again today that I urge those in positions of authority—whether in this country, in Israel, or in the Palestinian Authority—to look at this daily loss of life on both sides and do all they can to bring about a cessation of this tragic conflict.

Eventually the two sides will sit down and try to work out some agreement for a lasting and permanent peace. A number of us had the opportunity to visit with President Mubarak when he came to Washington a few weeks ago. Likewise, a number of us had the opportunity to visit with President Sharon when he recently visited. I recognize the Presiding Officer was involved in those consultations. However, it seems to this Senator that President Mubarak and President Sharon are miles apart in their views as to how to bring about a resolution of this conflict.

I read today that certain persons in our Government are trying to impress upon several nations, which have been actively involved in trying to bring about peace in the Middle East, to become more active—specifically with Arafat, to impress upon him the need to exercise his authority to stop this tragic killing.

At the same time, there are certain elements within the Israeli Government that want nothing to do with Arafat. So on the one hand, people are going to Arafat to try to get him to do something and, on the other hand, people are saying we would not deal with him even if he were to do something.

Much of his infrastructure has been eroded in this conflict. We know not, at least this country does not, what exactly is the political structure among the Palestinian people and their ability to convey through Arafat, or another leader, their views towards a cessation of hostilities.

But this brings me to the question regarding NATO and the admission of new countries. Yesterday I had the distinct privilege, along with other Senators, to welcome in the Senate all 19 Ambassadors from the NATO nations who have convened here in Washington for a series of meetings with our Government. It is a very interesting group.

I said to them, in all candor: I am now in my 24th year in the Senate and I am a strong supporter of NATO. I said that they are the trustees of the NATO of the future. That alliance has been the most successful military alliance in the contemporary history of mankind. It has achieved its goals.

On the 50th anniversary of NATO, the leaders of NATO convened here in Washington. At that time they added a provision to their charter which clarifies any doubt that NATO has the authority, subject to the concurrence of the member nations, to engage in this war on terrorism and to selectively go into areas of dispute to perform crisis response operations.

I said to them, quite candidly, that they should entertain the thought that, should NATO be invited by the

Government of Israel, and such spokesmen or government as may exist amongst the Palestinians, to come in and provide a peacekeeping force, that they should seriously entertain whether or not NATO could carry out that mission.

NATO has done it with professional excellence in the Balkans, both in Bosnia and Kosovo. It is quite interesting that among the beneficiaries of those peacekeeping operations have been a significant proportion of the Muslim population. So NATO has clearly established in Kosovo and Bosnia, an opportunity for the people in those countries to come together and begin to form a government that will improve their quality of life, certainly an improvement from what I witnessed when I first went there in the fall of 1991 and saw of the ravages of war.

I explained this yesterday to those Ambassadors. I also said the following.

I can remember the days right in this Chamber when there were heated debates, particularly after the dramatic fall of the Berlin Wall. That wall came down. Ronald Reagan is to be credited in history for being instrumental in getting that wall to come down, ending the cold war and hastening the demise of the Soviet Union.

I can remember the people of the United States through their elected representatives saying, Should we not now lessen our contributions to NATO? And they are very significant dollar contributions, and leadership, manpower, and equipment.

In this bill that we are on right now is \$200 million and a fraction of new taxpayer money—\$205 million for the military budget of NATO. That follows approximately \$50 million in assistance authorized and appropriated by this Chamber several months ago in the context of the Freedom Consolidation Act.

In this one fiscal year alone—it may be two, and I will have to check that—roughly \$255 million. That is a significant contribution by our taxpayers. And, that doesn't even begin to capture the costs the American taxpayers bear in keeping over 100,000 military personnel permanently stationed in the European theater.

I said to those Ambassadors that this year there will be strong support for the NATO budget, as there should be. NATO is doing a remarkable job in the Balkans and elsewhere. We are strong supporters.

But also in the Senate yesterday, history was made. The Senate is roughly 214 years old. It was the first time that in one hearing room—the Armed Services Committee where I was present—under the advise and consent procedure, we were hearing from a prominent four-star officer nominated to become commander in chief of the Northern Command—a new command established primarily for the purpose of protecting the citizens of our 50 States, and coordinating the use of our U.S. military to protect our States. Stop to

think. This Nation has felt itself secure behind two great oceans for those 214 years of our Senate—secure because of the strong relationships we have to the north with Canada, and to the south with Mexico and our Central and South American neighbors. But our President has wisely concluded—and I commend and support him—we must set up a separate military command for the purposes of protecting the citizens of our 50 States.

In another hearing room was a distinguished civilian witness—Governor Tom Ridge, the President's Homeland Security Adviser—introducing a proposed Department of Homeland Security, the head of which will have the responsibility of marshaling the assets of this Nation's military, intelligence, police, National Guard, and all types of coordination required, again to protect citizens in their homes, in their towns, in their villages, and in the cities of the United States of America.

That was a profound day yesterday—a very profound crossroads in the history of this country.

As I talked with the NATO Ambassadors, I felt compelled to make the point that our country is placing additional burdens upon its taxpayers to protect us here at home with this new military command and this new Cabinet position, an entirely new entity of the Federal Government.

It is to be an amalgamation of some 150 different entities, and that will change as we debate its ultimate composition. But the bottom line is, our people are properly looking to this Government under our able President to begin in earnest to marshal all of our assets, as we have been doing for some months now since 9-11—but begin in earnest to establish a military command and a Cabinet position, adding great expenditures to our national defense needs.

Our President, the Congress and the American people know homeland security is our most urgent priority. We pray that the steps we are taking to prevent further attacks will be successful. But, if there are further attacks, our people will look inward more and more to their defensive needs here at home.

What are these threats that are requiring establishment of a new military command, and a new Cabinet department? These threats are the manifestation of a centuries-old ethnic and religious differences, including small elements of radical, fundamentalist Muslims whose message of hatred and intolerance for the United States and the West has found resonance amongst discouraged Middle Eastern youth. The unending cycle of violence in the Middle East fuels this sense of despair.

We should leave no stone untouched to determine the roots of this hatred. Are there steps we can take to demonstrate to the discouraged residents of the Middle East that we are a peaceful nation that fights for democracy, freedom and individual rights? Never in

the history since the formation of our Republic have our troops marched beyond the shores of this Nation to acquire and take the lands of others. To the contrary, each and every time they have marched, they have marched in the cause of freedom to end tyranny and aggression and restore rights to oppressed peoples.

That is what this Nation stands for. We respect those who pursue the Muslim faith, as we respect the right of all to pursue their faith without fear of persecution. We are fortunate in this Nation to have hundreds and hundreds of thousands of persons who have emigrated from the Muslim nations of the world to follow the Muslim faith, to come to our United States and take up citizenship and to participate with equal vigor and enthusiasm in our way of life and the goals of this Nation. We are very proud to have them here.

I think we have to begin to send a message to that part of the world in every way we possibly can. There exists a very skillfully set up means of communication, primarily through one television station that is followed every day by many in the Arab world which portrays and misrepresents this Nation to the Arab world. It exploits the sense of discouragement that exists in the region and engenders more and more ferment, which is then directed at Israel and the West, but most specifically, at our Nation.

The conflict in the Middle East between Israel and the Palestinian people generates—I cannot quantify it, but that seemingly unending conflict generates hatred that grows and multiplies in the Arab world and is ultimately directed towards this country. That is why I think we should look at every single resource available to us to try to bring about the cessation of those hostilities, while simultaneously encouraging governments in the region to bring truth, democracy and opportunity to their nations. I believe it would lessen some measure of the hatred being directed to this country—hatred which results in daily and weekly threats and warnings to the American people.

I believe NATO should examine for itself whether or not it could play a role, if it were invited by both sides to come in, and provide a peacekeeping role to enable the two warring factions to sit down over a period of time—in relative peace, secured by capable NATO peacekeepers who are credible to both sides and engender cooperation—and, hopefully, resolve their differences and have a lasting peace agreement.

I said that very clearly to these Ambassadors yesterday. I have said it on the floor of this Senate. I will continue to say it on the floor of the Senate. Because as we approach this issue of the new nations joining NATO—and I have been active in the past, and I will be active in the future—those nations I think primarily are focused on what NATO can do for them to give them protection within their own specific geographic areas.

I am not entirely sure what the threats are that most concern these nations aspiring to NATO membership. Europe basically is peaceful today, but they look to NATO to ensure their protection as sovereign nations. That they should do. But, are they equally prepared to contribute to the military organizations in NATO.

The Senate, for that purpose, authorized \$55 million to help the aspirant nations improve their militaries to meet the standards established by NATO for new members. That is a very important process.

I have always believed in the past that perhaps we moved too quickly in inviting new nations to join NATO, but I will put that aside for the moment. But I do ask those aspirant nations to begin to focus on the trouble spots in Europe, the trouble spots in the Middle East, and say to themselves, if NATO were to become involved: Are we willing to shoulder our proportionate part of the responsibilities which could involve our troops becoming peacekeepers in the Middle East? Stop to think about that.

I believe, in the course of the deliberations on NATO enlargement, those questions should be put specifically to the aspirant nations desiring to join. I commend our Ambassador, Ambassador Burns, U.S. Ambassador to NATO. He is extraordinarily well schooled, a highly principled professional, devoting his life to diplomacy. He is the right man at the right time in that particular job.

So, Mr. President, I feel very strongly about this. I know my views are not shared at the moment. Perhaps the President will take cognizance of this proposal as he is preparing his very important message on the Middle East. However, I just think there is no corner of this problem that should not be fully explored before it is summarily rejected.

We are making a very significant contribution to NATO. It is important. Hopefully, we will do it again next year. But in the ensuing year, as we begin to prepare ourselves here at home, all of the dollars of our budget then become under greater scrutiny.

I think it would be important for NATO to at least consider—on the assumption that it is invited—a peacekeeping role in the Middle East. However, it cannot be forced upon the people of Israel; they are very proud of their ability to defend themselves. However, I think it is important that this proposal be considered by NATO and that the nations indicating a desire to join NATO are likewise consulted as to their views.

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.

MORNING BUSINESS

The PRESIDING OFFICER. The Senate will now return to morning business.

YUCCA MOUNTAIN

Mr. REID. Madam President, I have been sparing in my comments the last several months about the Yucca Mountain situation. Everyone acknowledges that a Republican will bring this up in the next several weeks. We have had a series of people coming to the floor talking about nuclear waste. The Republican leader talked about it today. We have had Senator CRAIG and Senator MURKOWSKI speak about it several times this week.

My colleague from Alaska, for example, this morning discussed the issue of nuclear waste and transportation. I can remember Senator Bryan and I, when we had the pleasure of serving together in the Senate, traveled to St. Louis. The whole purpose of our trip was to meet with local officials about the transportation of nuclear waste. We did.

We went to the governing body of St. Louis. We talked to them. We had a very nice visit. We visited an editorial board. We were on a radio station or two there.

As a result, the people who run the city of St. Louis passed a resolution saying: We don't want nuclear waste transported through St. Louis.

If you can explain the issue to people, they recognize quickly it is not a good idea. So that is why I want to respond to some of the points raised by my friend from Alaska. He discussed, for example, the shipments of waste to the WIPP facility, the waste isolation project in New Mexico. Comparing those shipments to the proposed spent fuel shipment at Yucca is like comparing a squirt gun to the most modern tank in America. They are just completely different substances. The items being shipped to WIPP are things such as rags, tools, and laboratory equipment. These are not spent fuel rods, which would give you a lethal dose of radiation in less than 3 minutes if you stood near them. You could be exposed to it for a matter of seconds and get sick.

With the news of terrorists pursuing radioactive materials and weapons of mass destruction, now more than ever we need to be vigilant in protecting the welfare of the American people. The decision to approve or reject the Yucca Mountain site is the most important transportation decision of this new century. This decision could bring as much as 100,000 shipments of high-level nuclear waste by truck through our towns and communities, as many as 20,000 train loads. This year we learned they may ship some of it by barge — the most poisonous substance known to man — traveling by our schools, our homes, our churches, our places of business.

It doesn't make sense to ship this waste and allow terrorists to use any one of these shipments as the ultimate "dirty" bomb. A successful attack on a spent nuclear fuel shipping cask would be extremely dangerous. Each truck cask would contain up to 2 tons of deadly material and each rail cask up to 11 tons.

These casks are packed full of the most dangerous high-level nuclear waste known to man. They contain Cesium-137, Strontium-90, and Plutonium-239. A release of less than 1 percent will affect tens of thousands of citizens, resulting in hundreds of long-term cancer deaths. This could shut down an entire city.

My friend, Senator CONRAD, was told by an expert that a "dirty" bomb would make Washington, DC, uninhabitable for 400 years.

Spent fuel shipments to Yucca Mountain would create a target-rich environment. DOE would make daily shipments by barge, truck, and train, all going to the same place. There would be as many as six to eight shipments each day. There are very few targets now. There would be hundreds of targets, thousands of targets if we go forward. According to the NRC, there have only been at most one or two shipments per week in the entire country over the past 10 years. Current shipments are harder to attack because they go to many different destinations.

For the DOE to say "we have never had an accident" isn't true. If you pin them down, they will say we have had no "reported" releases. Again, DOE has proposed putting tens of thousands of these casks out on the roads, waterways, and railways without a transportation plan. It would not be as bad if they had a plan they had let the Congress and the American people scrub, and if they had done an environmental impact statement, but they have not even done that. They have not done an environmental assessment.

Don't take my word for it; look at what the Secretary of Energy said on the subject:

The DOE is just beginning to formulate its preliminary thoughts about a transportation plan.

After 9-11, proceeding with Yucca Mountain without a transportation plan is reckless and irresponsible. The Congress has the responsibility to hold the Department accountable. That can only come from rejecting this reckless resolution.

I mentioned on the floor recently that there is a Web site which was started to educate the American people about these shipments. It is www.mapscience.org. Anybody within the sound of my voice, go to your computer and try this out. All you have to do is put in your address. It doesn't matter where it is in the United States. You put your address in and it will tell you where the nearest nuclear reactor is and where they are going to ship the waste—how close it will come to your home. We know that in at least

43 States, more than 60 million people will be within a mile of the possible routes. Everyone should try this Web site.

This Web site is telling the American people what the Department of Energy doesn't want them to know: These proposed shipments will go right by their homes, right by the places they work, right by the places where their kids go to school. There has been a big response from the American people. This Web site has been up for 10 days, and there have been well over 100,000 hits.

There is no rush to move forward. The Nuclear Regulatory Commission Chairman has stated that if this Yucca Mountain project did not go forward today, it would be no big deal. He said it can be kept safely on site for decades.

More important, Yucca Mountain will never eliminate the waste that is stored around the country. Everybody within the sound of my voice should understand the big lie the DOE and the nuclear power industry is projecting. The big lie is that the 131 sites where we have waste now will be reduced to one site. Well, the fact is, that will never happen. It will never happen because there are 46,000 tons there now. They can move 3,000 tons a year, but they produce 2,000 tons a year. So do the math. You will fill Yucca Mountain before it ever opens.

Remember, when you take out a spent fuel rod, 95 percent of the heat, the radioactivity is still in it. It is so hot the only thing they can do with it is stick it in water for 5 years to cool it off. After 5 years, they can put it into a dry cask storage container. So this statement that they will only have one site is not true. It is a big lie. There will always be 131 sites, plus Yucca Mountain, plus all the trucks and trains. So instead of having one site, we are going to have hundreds of thousands of sites.

So when my friends march down here and say this is nothing, it is like moving the stuff to New Mexico. I repeat my analogy of a squirt gun compared to the most modern tank in America; that is the comparison. The American people need to understand that the millions and millions of dollars spent by the nuclear power industry is money that has been spent to deceive and mislead the American people.

I hope my friends on the other side of the aisle will do the right thing and vote for the good of their constituents, not for the good of the big lobbying effort that has been conducted in Washington over the last 20 years, and not go the way of the many fundraisers or the way of the vacations that have been paid for by the Nuclear Energy Institute, where they send people to Las Vegas for a week so they can look at the hole in the mountain. I hope they will vote in their constituents' best interests.

Jim Hall is a member of the National Academy of Engineering Committee on Combating Terrorism and was Chairman of the National Transportation

Safety Board from 1994 to 2001. This article appeared in the New York Times the day before yesterday. Among other things, he said:

Secretary Abraham has said there is plenty of time to create a transportation plan before Yucca Mountain begins receiving nuclear waste eight years from now. But safety issues will almost certainly get short shrift if they are not addressed before the repository site is approved. Congress needs to force the Department of Energy to reassess the dangers of transporting high-level nuclear waste and develop a secure plan before proceeding with the Yucca Mountain project.

RUSSIAN URANIUM AGREEMENT

Mr. BINGAMAN. Mr. President, both the Department of Energy and the Department of State have made important announcements this week relating to the so-called "Russian HEU Agreement." This agreement is not widely known, but it is enormously important to our national security, and I would like to take this opportunity to call it to the attention of the Senate.

Under the HEU Agreement, the Russian Federation is converting 500 metric tons of highly enriched uranium from dismantled nuclear weapons into low-enriched uranium fuel for nuclear power plants. The United States then buys the low-enriched uranium for nuclear power plants in this country to use to generate electricity.

The benefits of this program, which is sometimes called the "megatons to megawatts program," are obvious. Nuclear weapons scrapped under the program can never be used against us. Weapons-grade uranium blended down and consumed in power plants can never fall into the hands of terrorists or rogue states.

The United States and Russia entered into the HEU Agreement in 1993. The program will neutralize the equivalent of 20,000 nuclear warheads over its 20-year life. More than 150 metric tons of highly enriched uranium, the equivalent of nearly 6,000 nuclear warheads, have already been converted into low-enriched reactor fuel. Another 350 metric tons, the equivalent of 14,000 more warheads, are slated to be converted over the remaining 12 years.

Although the Russian HEU Agreement is a government-to-government agreement, it is being implemented for the Russian Federation by Tenex and for the United States by USEC Inc. USEC was originally established by the Energy Policy Act of 1992 to run the Department of Energy's uranium enrichment plants as a business. When the Russian HEU Agreement was first executed, USEC was wholly owned by the United States Government and it was tapped to implement the agreement as the Government's "executive agent." In 1998, the Government sold USEC to private investors pursuant to the USEC Privatization Act, but retained the private company as its executive agent for the Russian HEU program.

Remarkably, USEC is able to conduct the Russian HEU program without cost

to the Government. USEC pays the Russians for the uranium, and recovers its costs when it resells the uranium to nuclear utilities. The price paid by USEC was originally set in the HEU Agreement and has since been subject to negotiation between the parties.

Some time ago, USEC and Tenex reached an agreement on a new market-based mechanism for determining the price USEC will pay Russia for future deliveries. Yesterday, the State Department announced that the Governments of the United States and the Russian Federation have approved the new pricing mechanism.

The new pricing mechanism puts the program on a more commercial basis. It does away with the need for the two governments to renegotiate the price periodically. By basing the price on market conditions, the new mechanism provides a more stable and predictable procedure for determining future prices and should help ensure the long-term success of the program.

In addition, this past Tuesday, the Department of Energy announced that it had signed an agreement with USEC that resolves a number of issues between them. Earlier, there had been talk of the Government replacing USEC as its executive agent under the Russian HEU deal or appointing multiple agents. Under the accord announced on Tuesday, the Department of Energy agreed to recommend that USEC continue to serve as the Government's sole executive agent, and USEC committed to meeting the annual delivery schedules in the Russian HEU agreement over the remaining years of the agreement.

The Russian HEU Agreement serves us well. Each Russian warhead that is dismantled and each ton of weapons-grade uranium that is converted to commercial reactor fuel reduces the risk of nuclear proliferation and enhances our security. USEC has made great progress implementing the program over the past 8 years. The two announcements made this week give us hope for further progress in the years ahead.

THE PRESIDENTIAL ELECTIONS IN COLOMBIA

Mr. FEINGOLD. Madam President, I wish to take this opportunity to express my support for the Colombian people following the Presidential election in Colombia on May 26. I was pleased to cosponsor a resolution last week welcoming the successful completion of democratic elections in Colombia. It is a tribute to the Colombian people that despite significant threats and violence, both international and national election observers found the elections to be free and fair.

I am also pleased that the President-elect of Colombia, Alvaro Uribe Velez, has been in Washington this week to discuss U.S. support for counter-narcotics operations. The United States has already invested heavily in

a unified effort to reduce the flow of drugs from Colombia, while simultaneously promoting human rights and economic development throughout the country. It is essential that we build on that investment during the new administration of President-elect Uribe. Indeed, I am pleased that President-elect Uribe has said that he looks forward to the day when Colombia is not sending a single kilogram of cocaine to the United States. To make that a reality, we must ensure that coca growers in the poor regions of Colombia have access to alternative economic opportunities, and that they take advantage of those opportunities to get out of the coca business for good. We must also promote human rights and the rule of law in Colombia; otherwise, the cycle of violence and narco-trafficking that is draining the livelihood of the country will ultimately lead to total state collapse, and to even more narco-trafficking and perhaps support for terrorism in the ruins of such a failed state.

With the visit to Washington this week of a new President-elect, this is an opportune time to reflect on some of the new directions in our bilateral relationship with Colombia. In particular, this provides an appropriate opportunity to step back and evaluate the effectiveness to date of our various policy objectives in Colombia. We must consider, for example, whether our initiatives have been effective in reducing the levels of violence in the country, in seeking accountability for grave human rights violations, and in cutting off the narco-traffickers who provide both financing and incentives for insurgent forces. We must also ask whether our policy in Colombia provides an effective balance of military assistance and well-managed development support. And we have an obligation to the people of Colombia to consider the human and environmental effects of our ongoing fumigation campaign.

In reflecting on the situation in Colombia today, one thing remains absolutely clear: The status quo in Colombia cannot be justified. The prolonged civil war, which is fueled by lucrative narco-trafficking, has created a volatile society, with untold suffering and a seemingly endless cycle of grave human rights abuses. The narco-traffickers have prospered, the guerrillas, and increasingly the paramilitaries, have offered the narco-traffickers hired protection, and they, too, are prospering from this deadly relationship. It is the people of Colombia, the average farmers and the honest citizens, who must pay the price of the war. That price can be counted in the number of lives lost or displaced in Colombia. But we must also count the lives lost to drugs and violence on our own streets in the United States. Such vast costs are wholly unacceptable.

So, where do we go from here? First and foremost, we must continue to scrutinize the relationship between the

Colombian military and the paramilitary forces in the country. The Colombian military has been taking steps to sever its ties with the paramilitaries, but I am worried that those steps have not translated into meaningful progress on the ground. As the United States considers supporting the counter-insurgency operations of the Colombian military, we must guarantee that Colombia takes seriously its obligation to seek out and prosecute the paramilitaries. And we must remember that by most accounts, the paramilitaries today are more responsible than any other terrorist group for the massive war crimes committed in the country.

We must also ensure that the Colombian government commits its resources to a more robust investment in its own institutions. We must never substitute our own assets or personnel for an appropriate level of investment by Colombia in its own future. This must include domestic support to institutions of justice, and for the protection of civilians, as well as responsible military support to defend the civilian population from rebel and paramilitary attacks.

Finally, we must do more to ensure that communities that have already been so hard-hit by the conflict have access to development opportunities to rebuild their lives. Alternative development must be a cornerstone of any effective counter-narcotics campaign. Without alternative development, displaced communities will have only one rational economic option: to turn to the lucrative but illegal cultivation of the coca that drug lords are so eager to buy and protect. Quite simply, we must give battered rural communities a viable economic alternative to coca or poppy cultivation if we are ever to bring the wars in Colombia to an end. To date, our investment in such development has been insufficient. And perhaps as a result, we have also made little progress in stemming the flow of drugs. Without more of a social investment in alternative development, I fear that the coca fumigation program that is being supported by the United States will merely shift drug cultivation into even more remote and ecologically sensitive areas of the country.

So I rise today to congratulate the people of Colombia on their successful Presidential election in May. That democratic institutions continue to function in the midst of such violence and intimidation is an impressive tribute to the Colombian people. But as the United States moves to support our new colleagues in the incoming government in Colombia, we must continually ask ourselves whether our intervention is achieving our policy goals, and whether it is making a difference to the lives of average Colombians.

Carefully crafted U.S. support for Colombia can make a difference. Indeed, it must make a difference. But we must monitor the effects of that support very closely, because neither the U.S.

taxpayer nor the vast communities in Colombia that have already been devastated by the war can afford to see such a significant U.S. investment in Colombia fail. We cannot and must not abandon Colombia. But at the same time, we cannot delude ourselves about the efficacy of our policy thus far. Critics of U.S. policy in Colombia, and in many cases I have been among them, raise valid questions about the commitment of the military to the rule of law and to protecting civilians. They raise important questions about the consequences of fumigation and the economic prospects for farmers who agree not to plant coca. It is our responsibility to weigh these points and to answer these questions, and where necessary, to adjust our policy so that we get it right. For Americans and for Colombians, the stakes are too high to do otherwise.

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 last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in January 1998 in Springfield, IL. A gay man was abducted, tortured, and robbed. The attacker, Thomas Goacher, 27, was charged with a hate crime, aggravated kidnapping, armed robbery and aggravated battery in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

NATIONAL ASKING SAVES KIDS DAY

Mr. LEVIN. Madam President, yesterday was the second annual National Asking Saves Kids Day or ASK Day. ASK is a national public health campaign that urges parents to ask their neighbors and community members if they have a gun in the home before sending their child over to play. The ASK campaign helps to enable parents to protect their children from the danger of a gun that is not safely stored. This is a sensible step toward preventing gun violence. According to PAX, a non-political organization that promotes solutions to the problem of gun violence and sponsors the ASK campaign, over 40 percent of American homes with children have guns. Many of these weapons are kept unlocked and loaded. Child access to these firearms

is one reason why children in the U.S. are more likely to die of gun violence than from all natural causes combined. In recognition of National ASK Day, parents, children, community leaders, and neighbors across the nation planted flowers as a symbol of the more than 3,000 children that PAX estimates could be saved through the simple message of the ASK campaign.

It is critical that we do all we can to keep children from gaining unsupervised access to firearms. That is why I cosponsored Senator DURBAN's Child Access Prevention Act. Under this bill, adults who fail to lock up loaded firearms or an unloaded firearm with ammunition could be held liable if a weapon is taken by a child and used to kill or injure him or herself or another person. The bill also increases the penalties for selling a gun to a juvenile and creates a gun safety education program that includes parent-teacher organizations, local law enforcement and community organizations. This bill is similar to legislation President Bush signed into law as Governor of Texas. I support this bill and hope the Senate will act on it.

I know my colleagues will join me in recognizing National ASK Day, and I urge them to support Senator DURBAN's common sense gun safety legislation.

RATIFICATION OF NEW YORK TREATIES AGAINST THE SALE, TRAFFICKING, AND PROSTITUTION OF CHILDREN AND AGAINST THE USE OF CHILDREN IN COMBAT

Mr. HARKIN. Madam President, it gives me great pleasure to hail the ratification of the Optional Protocol Against the Sale of Children, Child Prostitution, and Child Pornography by the U.S. Senate this week. I applaud the strong leadership of Senator BIDEN, Chairman of the Senate Foreign Relations Committee, and Senator HELMS, the Ranking Member of that Committee, as well as Senator BOXER in bringing this new treaty to fruition.

The use, procuring, or offering of a child for prostitution, for the production of pornography, or for pornographic purposes is included in the universal definition of the worst forms of child labor in the International Labor Organization's Convention 182 which this Senate ratified in 1999 on a 96-0 vote. Therefore, it is altogether fitting and proper that we now follow through and adopt this new instrument of international law to crackdown worldwide against the despicable acts of trafficking and prostituting of children.

This Optional Protocol gives special emphasis to the criminalization of the sale and trafficking of children as well as child prostitution and pornography. It also stresses the importance of improved international cooperation and coordination to combat the sexual exploitation of children everywhere in the world, while also promoting heightened awareness, more information

gathering, and public education campaigns to enhance the protection of children trapped in one of the worst forms of child labor.

For nearly a decade, I have been working hard to end the scourge of abusive child labor. It is a tragic and disturbing fact that millions of children under 18 years of age currently endure slave-like conditions in brothels, back alleys, and hideaways that jeopardize their basic health, safety and well-being. These children are being tricked, lured, and sold outright for purposes of forced labor and exploitation in the commercial sex trade of prostitution and pornography.

In the European Union, the International Organization for Migration reports a marked increase in the number of unaccompanied minors trafficked for sexual purposes from Central and Eastern Europe, Africa and Asia.

In India alone, hundreds of thousands of children exist in slavery-like conditions for purposes of forced labor or prostitution, according to the U.S. Department of State Country Reports on Human Rights Practices.

UNICEF estimates that at least 200,000 children every year are trafficked into the Central and West African slave trade for purposes of forced labor.

In Mexico, a UNICEF study estimates that 16,000 children are victims of sexual exploitation—many of them are prostituted in tourist destinations such as Cancun and Acapulco.

In the United States, experts within the Department of Justice estimate that at least 100,000 children are involved in the sex trade in any given year. Approximately 400 cases of Internet child pornography are prosecuted each year in the Federal courts alone. I am pleased to report, for example, that a crackdown on Internet child pornography was launched last year in Des Moines, the capital city of my own home state.

A 1999 report issued by the Central Intelligence Agency estimated that up to 50,000 women and children are trafficked into the United States each year.

We must not stand by while millions of children are sold for purposes of forced labor and consigned to prostitution and pornography in order to satisfy adults who profit from their abuse. When presented with the dimensions of human trafficking in 2000, I joined 94 of my colleagues in the U.S. Senate to express both our outrage over the criminal behavior of child traffickers and our support for the victims of trafficking by passing the Trafficking Victims Protection Act.

This week we are taking more effective action through ratification of the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography. It is an important victory in our effort to protect children everywhere. I look forward to continuing this effort with my colleagues in the weeks, months, and years to

come. In approving this new standalone treaty, we are affirming that the American people believe that all children, given their vulnerability to adult coercion and greed, deserve special protection in international law and practice against sexual predators and exploiters.

I also want to take a moment to say how pleased I am that the Senate this week has ratified the Optional Protocol Against the Use of Children in Armed Conflict.

As you know, I worked very hard with Senator HELMS, in particular, to secure ratification of the International Labor Organization's (ILO) Convention #182 to Prohibit the Worst Forms of Child Labor. Our bipartisan efforts paid off when the Senate in November, 1999 ratified that important new human rights treaty on a 96-0 vote.

Now included in the universal definition of the worst forms of child labor within ILO Convention #182 is the prohibition of forced or compulsory recruitment of children for use in armed conflict. Therefore, the Senate's action this week on this Optional Protocol means the U.S. has followed through on our international commitment at the time that ILO Convention #182 was under negotiation and joined the world community in universally condemning and outlawing the recruitment and use of child soldiers.

It probably seems unthinkable to most Americans that young children have been recruited, trained, and turned into soldiers who are actively engaged in combat. The latest research estimates that more than 300,000 children under 18 years of age are participating in armed conflicts around the world. For example, there are an estimated 50,000 child soldiers in Burma alone. Hundreds of thousands more are members of armed forces who could be sent into combat at any moment. Although most child recruits are over fifteen years of age, significant recruitment starts at ten years, and the use of even younger children is not uncommon.

Robbed of their childhood, child combatants are subjected to a cycle of violence that they are too young to understand or resist. While many of these young recruits may start out as porters or messengers, too often they end up on the front lines of combat. Some are used for especially hazardous duty, such as entering mine fields ahead of older troops, or undertaking suicide missions. Some have been forced to commit atrocities against family members or relatives. Inexperienced and immature, these children suffer far higher casualty rates than their adult counterparts. Those who survive are often physically or psychologically scarred for life. Typically lacking an education or civilian job skills, their futures are often very bleak.

Ninety-three percent of Americans believe that combatants should be at least 18 years of age, according to a recent poll conducted by the Inter-

national Committee of the Red Cross. Accordingly, I want to particularly salute the leadership of my colleagues, Senator BIDEN, Chairman of the Senate Foreign Relations Committee, and Senator HELMS, the Ranking Member of that Committee, as well as Senator WELLSTONE and thank them for their tireless work to see this treaty through to ratification. There is absolutely no justification for the forced or compulsory recruitment of children under 18 for deployment into combat anywhere in this world and I am proud that America is doing our part to end this egregious abuse of human rights and affront to common decency.

FIRST RESPONDER TERRORISM PREPAREDNESS ACT OF 2002

Mr. SMITH of New Hampshire. Madam President, I rise to urge my colleagues to support the First Responder Terrorism Preparedness Act of 2002 that I introduced along with the committee chairman, Senator JEFFORDS. This legislation is a huge step forward in providing the necessary tools for local and state first responders to prepare to respond to any act of terrorism.

We recognize that it is the local emergency responders who are on the scene first to rescue and help those who have been caught in a disaster. I visited the Pentagon and Ground Zero less than a week after the attacks and can tell you that these first responders are true patriots, and they live and serve us in every town and city across this great Nation. These local heroes, the type of first responders who made the ultimate sacrifice on September 11, are the embodiment of the American spirit—brave, selfless, and caring. They save lives and we should focus our resources to help them with their mission.

Prior to his confirmation to be the head of FEMA, nearly 9 months before the terrorists attacks on this Nation, I met with Joe Allbaugh to discuss FEMA priorities. Chief among the priorities we discussed was that of terrorism preparedness of our Nation's first responders. Little did we know what this Nation would be facing less than 9 months down the road.

Since September 11, I have met with Director Allbaugh and his staff on several occasions, and the Environment and Public Works Committee, of which I am the ranking member, has held a number of hearings on this issue.

In January, I enthusiastically endorsed President Bush's announcement of his first responder plan to be run by FEMA. This bill, the First Responder Terrorism Preparedness Act, mirrors the President's proposal and represents months of work by the Environment and Public Works Committee flushing the President's proposal with the aid of the administration.

In brief, this bill will authorize a first responder grant program for 4 years at \$3.5 billion per year. Each

State will receive a minimum of \$15 million with the remaining being distributed to States based on criteria set by FEMA but will include population, vital infrastructure, military installations and proximity to international borders. The money will be used for preparedness efforts including to purchase equipment, train, develop response plans, conduct exercises and provide for communication needs. We ensure that the money does not get tied up in bureaucracy and gets to the first responders.

The bill also requires that all the efforts at the State and local level be part of a broader national preparedness strategy as determined by the Office of National Preparedness (ONP). The ONP was put in place by the President over a year ago, a move I have been advocating for some time, and the President deserves a great deal of credit for that action.

This bill takes the additional step of establishing the ONP in statute. The ONP will help to coordinate preparedness efforts at the Federal level and be the point Federal office for the State and local responders. It is vital that we do not have thousands of independent preparedness plans and efforts—we need a local, state, regional and national strategy.

The bill will also enhance the capabilities of FEMA designated Urban Search and Rescue teams. Many of those teams were activated on September 11, but have had serious financial difficulties in maintaining adequate levels of preparedness. That certainly should not be the case and we address those needs.

We all entered a new world and a new reality on September 11, and we must be prepared for whatever may come our way. The President has done a tremendous job to dramatically reduce the vulnerabilities of this Nation and I, once again, applaud his effort to establish a new Department of Homeland Security. However, regardless of how much we work to prevent further attacks, we must be prepared if the unthinkable were to happen again. This will be an ongoing effort and this bill takes a very large step in providing the resources and direction to ensure that the effort is productive.

I thank the chairman of the EPW Committee for his leadership and for working closely with me on this important and bipartisan issue. It is my hope that our bill will make it to the President's desk in short order.

ADDITIONAL STATEMENTS

TRIBUTE TO COL. DAVID R. CHAFFEE

• Mr. THOMPSON. Madam President, today I pay tribute to a U.S. Air Force officer, Colonel David R. Chaffee. Colonel Chaffee currently serves as the Program Director of the Combat Air Forces Command and Control Systems

Program office at the Electronic Systems Center on Hanscom Air Force Base. He will soon retire from the Air Force after 25 years of service. Today, it is my privilege to recognize some of Colonel Chaffee's accomplishments, and to commend his service to the Air Force and our Nation.

Colonel Chaffee was born in Rockwood, TN, and began his Air Force career as a cadet at the U.S. Air Force Academy. Early in his career, he was an Aeronautical Developmental Engineer at Wright Patterson Air Force Base, OH, and later returned there as the Program Manager for the F100-PW-220 engine. After multiple, high-level acquisition positions at Headquarters in Washington, DC, he spent 2 years at the Ogden Air Logistics Center at Hill Air Force Base, UT as a Program Director before arriving in May 2000 at Hanscom Air Force Base for his current assignment.

Throughout his career, Colonel Chaffee won numerous awards for performance in the Acquisitions career field, including the General O'Malley Memorial Leadership Award in 1987 and the Clements Award in 1985. Additionally, he was a Distinguished Graduate from Squadron Officers School and Air Command and Staff College. He holds two master's degrees, one in Aeronautical Engineering from the Air Force Institute of Technology and one in National Resource Strategy from the Industrial College of the Armed Forces.

At Hanscom Air Force Base, Colonel Chaffee's leadership contributed to the Combat Air Forces Command and Control Systems Program Office being regarded as a center of excellence for command and control and air battle management. This office provides integrated mission critical command and control tools that help create air tasking orders, plan combat sortie missions, and analyze weather information for planned targets. Colonel Chaffee's support for improved processes and innovation led to significant increases in program office performance.

Colonel David Chaffee has made a difference during his service to the Air Force and our Nation. He displayed a commitment to the men and women in his charge and was well known for mentoring junior officers. In addition, throughout his demanding career, Colonel Chaffee has been a family man, as he and his wife, Ann, raised three daughters, Lauren, Katelyn, and Jillian. I urge my colleagues to join me in commending Colonel Chaffee and thanking him for his years of service.●

JERRY BLOCKER: IN HONOR OF HIS "LIFETIME ACHIEVEMENT AWARD" PRESENTED BY THE SOCIETY OF PROFESSIONAL JOURNALISTS

• Mr. LEVIN. Madam President, during the turbulent social unrest of the 1960s in the U.S. and particularly Detroit, Jerry Blocker—a "skinny little kid

with the big voice"—often dominated the radio and television news business. His rise and success in the industry has been attributed to an imagination fueled by a strong sense of drama, and his ability to craft a calm, orderly objectivity out of news ripe with disorder, rawness, and uncertainty.

Born on the west side of Detroit on February 14, 1931, Jerry Blocker's arrival on Valentine's Day was unheralded during the height of the Great Depression. Because of the Depression, Jerry's parents and family bestowed upon him the only gifts they could afford: an abundance of love and pride. Those generous gifts carried dividends the remainder of his life.

During his early years at Columbian and Sampson elementary schools, Jerry Blocker thrived while participating in school plays. Later, while attending McMichael Intermediate he became interested in all activities associated with radio. By the time he reached Northwestern High School, it was recognized that the "skinny little kid with the big voice" was destined for a future in the media. At Wayne State University in the mid-1950s, Jerry honed his broadcast skills but discovered that minorities were not to be found working in the broadcast business. His dream would have to wait. In the late 1950s Jerry became a teacher, first serving at Hampton Institute in Virginia, then with the Detroit Board of Education. His flair for the dramatic became evident as he staged plays, pageants, and festivals to the delight of hundreds of children.

In 1961, Jerry Blocker finally found employment in the radio industry when WCHD entered the general-format radio market as the first of many stations. In 1967, Jerry became the first black television news anchorman in the state of Michigan, working for WWJ-TV Channel 4, now known as WDIV-TV. He was hired by Channel 4 after the 1967 Detroit riots and anchored weekend newscasts until 1975. After his departure from WWJ, Jerry Blocker was hired as the television news director of Channel 62, the first television station to actively recruit from and program for Detroit's African-American community. Jerry Blocker won several awards for his distinguished and accurate broadcast professionalism.

During his 10-year career in television, Jerry Blocker witnessed and reported the events which helped shape Detroit and the nation in the years immediately following the advent of U.S. Civil Rights legislation: the assassination of Reverend Martin Luther King, Jr., the challenge of the Detroit NAACP and the Detroit Board of Education, which was eventually settled by the U.S. Supreme Court, and the tremendous effect on the tri-county area and on all of Michigan by the election of Coleman A. Young, Detroit's first black mayor.

In 1977, Blocker was named executive director of the Detroit branch of the

NAACP while at the same time hosting a popular music show on radio station WQBH. During his spare time, Jerry served as a mentor for Blacks in Advertising, Radio, and Television. Blocker was also employed as the media spokesperson for the U.S. Census Bureau in Michigan, Ohio, and West Virginia.

In the 1980s, Jerry Blocker founded a political campaign management firm, Jerry Blocker Enterprises, the oldest minority-owned political-consulting and advertising agency in the Detroit metropolitan area. Later, that agency folded into Blocker and Associates, Inc., so that Jerry could work with and mentor his young daughters, Nicole and Shannon. Until the time of Jerry Blocker's death on October 31, 2001, he and his beloved daughters worked for public officeholders and candidates in their quests for victory at the polls.

The Detroit Metropolitan Chapter of the Society of Professional Journalists, SPJ, is honoring Jerry Blocker by presenting him a posthumous Lifetime Achievement award to his family and friends. Said SPJ Chapter President Jack Kresnak, "I wish we had honored Jerry before he died. He did a great job at our banquet a couple of years ago speaking on behalf of Bob Bennett who was getting a lifetime achievement award."

I know my Senate colleagues will join me in congratulating Jerry Blocker for his tremendous accomplishments and encouraging others to follow his distinguished example.●

OREGON HERO OF THE WEEK

● Mr. SMITH of Oregon. Madam President, I am pleased to rise today to honor an outstanding organization located in my home State of Oregon. I would like to congratulate Guide Dogs for the Blind on its 60th anniversary of providing exemplary service to the blind and visually impaired community in Oregon and across the country.

Guide Dogs for the Blind is a non-profit, charitable organization that provides guide dogs and training to the visually impaired community throughout the United States and Canada. With approximately 10 million Americans categorized as blind or visually impaired, Guide Dogs for the Blind performs an essential service that deserves to be recognized in this body on its 60th anniversary.

The services provided by Guide Dogs for the Blind, and organizations like it, will only become more important in the coming decades. Statistics show that people 65 years and older are at high risk of suffering from poor vision. On average, 144 Oregonians benefit from guide dogs trained by Guide Dogs for the Blind every year, and as our population continues to grey, the need for guide dogs and organizations that train them will almost certainly grow.

The use of guide dogs has been increasingly accepted over the course of the last century. Although guide dogs

existed prior to World War II, most visually impaired people could not take full advantage of such services due to existing federal and state laws restricting animals from entering buildings. But only three days after the most devastating attack in American history, December 10, 1941, President Franklin D. Roosevelt signed a law finally requiring government buildings to admit seeing-eye dogs. Today, during these trying times, it is important for all of us to note that despite the turbulent political situation he faced after Pearl Harbor, President Roosevelt still prioritized the needs of the visually impaired community by signing that law.

Sixty years later, the program instituted by Guide Dogs for the Blind served the nation on its darkest day since Pearl Harbor. During the horrific attacks against the United States on September 11, a blind man working on the 78th floor of the World Trade Center was led to safety by a guide dog that had graduated from the Guide Dogs for the Blind program. Guide dogs, now an essential part of so many lives, can be remembered along with the selfless firefighters, police officers, and rescue workers who sacrificed so much to help others that day.

Each and every staff member and volunteer at Guide Dogs for the Blind is a hero to their communities and to the people who benefit from their services. I rise to salute those associated with the Guide Dogs for the Blind for their dedication and continued service to visually impaired people throughout the country. Even in this era of innovation, the blind and visually impaired would not have the same opportunities afforded to the rest of us without the commitment of citizens like those associated with Guide Dogs for the Blind.●

HONORING JACK JURDEN'S TALENT AND WIT

● Mr. BIDEN. Madam President, I rise today to salute a man who has lampooned me more than anyone else in Delaware throughout my 30 years as a U.S. Senator. He has stuck me in the mud, dirtied by political campaigns. He has sketched me swimming in an inner tube fighting for NATO's involvement in Bosnia. He has put me in my place in, an over-sized Chair to characterize my position on the Senate Foreign Relations Committee. He has donned me in a wizard's robe next to a giant cooking pot simmering over a fire.

Yes, today I rise to salute a man whose signature is a talking frog.

Today I rise to salute a man who has made me laugh nearly every morning that I have opened my local newspaper for nearly the past 40 years and flipped to the editorial page.

Today I rise to salute long-time News Journal editorial cartoonist Jack Jurden.

After nearly four decades of his whimsical, witty, thought-provoking,

light-hearted, good-natured sketches, Jack Jurden is retiring. He is not quite putting his pencils and paper in a drawer permanently. Fortunately for us in Delaware, he has promised to produce a few editorial cartoons a year. But I and so many daily readers of Delaware's largest newspaper will miss his black and white sketches that have added so much color and laughter to our lives.

Jack joined the News Journal in 1952 as a photo engraver. His real love was drawing, so the News Journal decided to take a chance on him as the editorial Cartoonist. In my opinion, that is the best decision that newspaper ever made.

Jack's start in the newspaper business started long before his career with the News Journal. Like many of us, as a kid growing up, Jack was a newspaper delivery boy. Fresh out of high school in Allentown, PA, he put his artistic talents on hold to serve his country in World War II. As an army soldier, he was stationed in the Philippines and in occupied Japan.

Over the years, I am very fortunate to have gotten to know Jack well. His love for his craft, his country and his community are surpassed only by his love and loyalty to his family: his wife of 50 years, Faye; his daughter Jenifer and his daughter Jan, who is a Superior Court Judge in Delaware. These days Jack's true love is his grandchildren.

I realize this is not your typical Senate tribute. But I so admire this man and his talent that I have many of his cartoons lampooning me framed in my office and in my home. So I will miss him. And I think I speak for thousands of others in Delaware who have laughed heartily every morning with their coffee, their coworkers and their family as they scan his take on events in our State and our world, always looking for that little talking frog in the corner to offer some words of wisdom.

My very best wishes to him and his family.●

RECOGNIZING IOWA STUDENTS WHO PARTICIPATED IN THE NA- TIONAL HISTORY DAY CONTEST

● Mr. GRASSLEY. Madam President, today I would like to recognize several remarkable young Iowans who put in an impressive showing at the recent National History Day contest. I am very pleased to announce that a total of eight entries from the great State of Iowa qualified for the national finals. Each of these talented young people represented their State with distinction and all Iowans can be very proud of these students.

Gabriella Green, who attends Alan Shepard Elementary in Long Grove, took first place with a junior individual documentary entitled "Solution to Hunger: Dr. Norman E. Borlaug and the Green Revolution." Amy Paul and Katie Pauley of Indian Hills Jr. High in West Des Moines took first prize in junior group documentaries for "Grace

Hopper: Expanding Computer Horizons." Stephen Frese of Marshalltown took the second place medal for his junior historical paper, "Wrestling with Reform: Iowa Coal Communities and the Transformation of Childhood."

In addition, Alex Cahill and Emily Green from North Scott High School took fifth place in the senior group performance category with "The Works Progress Administration: Our Business of Relief" and Elyse Lyons took seventh place in junior individual performances with "Alice Hamilton: Friend of the Factory Worker."

Johnston Middle School Student Abigail Bowman, who took eighth place in junior historical papers with "Mustafa Kemal Ataturk: Reformer of Turkey," was invited to present her paper at the Turkish Embassy while she was in the Washington, DC area for the national competition. Laura Westercamp, a student at Kennedy High School in Cedar Rapids, took eighth place in senior individual exhibits with "Battle of the Bottle: The Woman, the Reaction, the Reform" and was able to present her project at the Smithsonian Museum of American History.

Lauren Appley, who attends Akron-Westfield School, took the ninth place award in junior individual papers with "Martha Graham: Revolutionary Genius of Modern Dance."

I would like to congratulate each of these Iowa students. The number of quality entries by Iowans in this national contest demonstrates the importance Iowans place on education. I would also like to take this opportunity to recognize the State Historical Society of Iowa, which sponsors the National History Day program in Iowa, as well as the American Legion of Iowa Foundation, which provides funding for the program.

Again, congratulations to Gabriella, Amy, Katie, Stephen, Alex, Emily, Elyse, Abigail, Laura, and Lauren. You have done Iowa proud!●

ROSWELL WINS ALL-AMERICA CONTEST

● Mr. BINGAMAN. Madam President, today I recognize the impressive civic achievements of Roswell, NM. These civic achievements have not only bettered this New Mexico community, but have earned Roswell the national honor of receiving an All-American City Award. The All-America City Award is the oldest and most respected community recognition program in the Nation. This award recognizes communities, such as Roswell, whose citizens work together to identify and address community-wide challenges and achieve extraordinary goals. This year Roswell not only met, but exceeded the selection criteria of the contest through its enthusiastic public participation, its involvement of diverse perspectives in decisions, and its city accomplishments which have significantly improved community life. Roswell met the challenge of the All-

America contest by identifying its largest community challenges and displaying how the community has worked together to make these challenges areas of success. The people of Roswell identified their biggest challenges as lack of access to health care and unemployment and then demonstrated how, as a community, they had worked to improve these areas over the past 3 years.

The city of Roswell highlighted three admirable projects that impacted their areas of challenge including "Incidentally Roswell," the Youth Dental Initiative and Dress for Success. Through the "Incidentally Roswell" project the community has successfully used the historical extraterrestrial phenomenon of Roswell to better its economy. The people of Roswell have worked to use its historical exposure to increase tourism thus creating more jobs and bringing more money into the community. In their presentation the Roswell representatives made light of the situation by cleverly centering their presentation around questions asked by E.T. Holmes, a space alien detective. Along with the economy the people of Roswell also rightly focus on bettering the lives of the children in their community. Through the Youth Dental Initiative Roswell is using Medicaid money to provide children with dental care. The program includes a dental clinic at which patients can be treated as well as a dental van that goes to schools to provide dental services to children. Since 1999 the Youth Dental Initiative the program has serviced a remarkable 4,000 children in Chavez County. Roswell's dedication to the well being of their children is both impressive and commendable. And finally, Roswell presented their Dress for Success program, which aids children and adults to dress in an appropriate manner to achieve success in their schools and work places. This program has shown especially good results in the Roswell school system through providing uniforms to the 86 percent of children who are in poverty in the area. Through eliminating the visual clothing differences among the students, Roswell is experiencing improved behavior, and increases in grade point averages, attendance and self-esteem. Equally impressive is the fact that this program is fueled by the generosity and concern of the community for their children. The Dress for Success program shows Roswell's great support of their children and their determination to help them succeed.

These three projects that strive for civic betterment are only a glimpse of the efforts Roswell is making in order to make their city a noteworthy part of the Nation. It is a great honor for Roswell, as well as for the entire state of New Mexico, for this community to receive the All-America Award. Through their dedication, patriotism, and hard work the people of Roswell have shown that American citizens can indeed make a difference in their com-

munities. Roswell is a community that has taken great strides to overcome its challenges. I commend the citizens of Roswell for striving to achieve a high quality of life and thus helping the State of New Mexico continue to be the land of enchantment. I would like to congratulate the city of Roswell on their great achievements and the well deserved recognition of their efforts.●

JUNETEENTH INDEPENDENCE DAY

● Mr. LEVIN. Madam President, this week people all across the nation are engaging in the oldest known celebration of the ending of slavery. It was in June of 1865, that the Union soldiers landed in Galveston, TX with the news that the war had ended and that slavery finally had come to an end in the United States. This was two and a half years after the Emancipation Proclamation, which had become official January 1, 1863. This week and specifically on June 19, we celebrate what is known as "Juneteenth Independence Day." It was on this date, June 19, that slaves in the Southwest finally learned of the end of slavery. Although passage of the Thirteenth Amendment in January 1863, legally abolished slavery, many African Americans remained in servitude due to the slow dissemination of this news across the country.

Since that time, over 130 years ago, the descendants of slaves have observed this anniversary of emancipation as a remembrance of one of the most tragic periods of our nation's history. The suffering, degradation and brutality of slavery cannot be repaired, but the memory can serve to ensure that no such inhumanity is ever perpetrated again on American soil.

All across America we also celebrate the many important achievements of former slaves and their descendants. We do so because in 1926, Dr. Carter G. Woodson, son of former slaves, proposed such a recognition as a way of preserving the history of African Americans and recognizing the enormous contributions of a people of great strength, dignity, faith and conviction—a people who rendered their achievements for the betterment and advancement of a nation once lacking in humanity towards them. Every February, nationwide, we celebrate African American History Month. And, every year on June 19, we celebrate "Juneteenth Independence Day."

Lerone Bennett, editor, writer and lecturer has reflected on the life and times of Dr. Woodson. Bennett tells us that one of the most inspiring and instructive stories in African American history is the story of Woodson's struggle and rise from the coal mines of West Virginia to the summit of academic achievement:

At 17, the young man who was called by history to reveal Black history was an untutored coal miner. At 19, after teaching himself the fundamentals of English and arithmetic, he entered high school and mastered the four-year curriculum in less than two

years. At 22, after two-thirds of a year at Berea College [in Kentucky], he returned to the coal mines and studied Latin and Greek between trips to the mine shafts. He then went on to the University of Chicago, where he received bachelor's and master's degrees, and Harvard University, where he became the second Black to receive a doctorate in history. The rest is history—Black history.

In keeping with the spirit and the vision of Dr. Carter G. Woodson, I would like to pay tribute to two courageous women, claimed by my home state of Michigan, who played significant roles in addressing American injustice and inequality. These are two women of different times who would change the course of history.

The contributions of Sojourner Truth, who helped lead our country out of the dark days of slavery, and Rosa Parks whose dignified leadership sparked the Montgomery Bus Boycott and the start of the Civil Rights movement are indelibly etched in the chronicle of not only the history of this nation. Moreover, they are viewed with distinction and admiration throughout the world.

Sojourner Truth, though unable to read or write, was considered one of the most eloquent and noted spokespersons of her day on the inhumanity and immorality of slavery. She was a leader in the abolitionist movement, and a ground breaking speaker on behalf of equality for women. Michigan recently honored her with the dedication of the Sojourner Truth Memorial Monument, which was unveiled in Battle Creek, MI on September 25, 1999.

Truth lived in Washington, DC for several years, helping slaves who had fled from the South and appearing at women's suffrage gatherings. She returned to Battle Creek in 1875, and remained there until her death in 1883. Sojourner Truth spoke from her heart about the most troubling issues of her time. A testament to Truth's convictions is that her words continue to speak to us today.

On May 4, 1999, legislation was enacted which authorized the President of the United States to award the Congressional Gold Medal to Rosa Parks. I was pleased to coauthor this fitting tribute to Rosa Parks, the gentle warrior who decided that she would no longer tolerate the humiliation and demoralization of racial segregation on a bus. Her personal bravery and self-sacrifice are remembered with reverence and respect by us all.

Forty seven years ago, in Montgomery, AL, the modern civil rights movement began when Rosa Parks refused to give up her seat and move to the back of the bus. The strength and spirit of this courageous woman captured the consciousness of not only the American people, but the entire world. The boycott which Rosa Parks began was the beginning of an American revolution that elevated the status of African Americans nationwide and introduced to the world a young leader who would one day have a national holiday declared in his honor, the Reverend Martin Luther King Jr.

We have come a long way toward achieving justice and equality for all. We still however have work to do. In the names of Rosa Parks, Sojourner Truth, Dr. Carter G. Woodson, Dr. Martin Luther King, Jr., and many others, let us rededicate ourselves to continuing the struggle and the struggle for human rights.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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 Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF A CONTINUATION WITH THE NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS BEYOND JUNE 25, 2002—PM 96

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a Notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed Notice, stating that the Western Balkans emergency is to continue in effect beyond June 25, 2002, to the *Federal Register* for publication.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting, (i) extremist violence in the former Yugoslav Republic of Macedonia, and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, has not been resolved. These actions are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emer-

gency declared with respect to the Western Balkans and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, June 21, 2002.

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS—PM 97

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month report prepared by my Administration on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001.

GEORGE W. BUSH.
THE WHITE HOUSE, June 21, 2002.

MESSAGES FROM THE HOUSE RECEIVED ON THURSDAY, JUNE 20, 2002

At 12:02 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3389. An act to authorize the National Sea Grant College Program Act, and for other purposes.

ENROLLED BILL SIGNED

At 12:11 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 bill:

H.R. 327. An act to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. BYRD).

MESSAGE FROM THE HOUSE

At 10:12 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3389. An act to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers.

The message also announced that pursuant to Executive Order No. 12131,

the Speaker appoints the following Members of the House of Representatives to the President's Export Council: Mr. ENGLISH of Pennsylvania, Mr. PICKERING of Mississippi, Mr. HAYES of North Carolina, Mr. INSLEE of Washington, and Mr. WU of Oregon.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1979. An act to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Environment and Public Works, without amendment:

S. 2064: A bill to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes (Rept. No. 107-168).

H.R. 3480: A bill to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin. (Rept. No. 107-169).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

H.R. 2068: A bill to revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as title 40, United States Code, "Public Buildings, Property, and Works."

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. DURBIN (for himself and Mrs. CLINTON):

S. 2666. A bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for employee health insurance expenses paid or incurred by the employer; to the Committee on Finance.

By Mr. DODD (for himself, Mr. SMITH of Oregon, Mr. TORRICELLI, Mr. REED, and Mr. KERRY):

S. 2667. A bill to amend the Peace Corps Act to promote global acceptance of the principles of international peace and non-violent coexistence among peoples of diverse cultures and systems of government, and for other purposes; to the Committee on Foreign Relations.

By Mrs. HUTCHISON:

S. 2668. A bill to ensure the safety and security of passenger air transportation cargo and all-cargo air transportation; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 677

At the request of Mr. HATCH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cospon-

sor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 754

At the request of Mr. LEAHY, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 754, a bill to enhance competition for prescription drugs by increasing the ability of the Department of Justice and Federal Trade Commission to enforce existing antitrust laws regarding brand name drugs and generic drugs.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1152

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1152, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 1506

At the request of Mr. NELSON of Florida, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1506, a bill to amend title 10, United States Code, to repeal the requirement for reduction of SBP survivor annuities by dependency and indemnity compensation.

S. 1626

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1626, a bill to provide disadvantaged children with access to dental services.

S. 1712

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1712, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 2010

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2010, a bill to provide for criminal prosecution of persons who alter or destroy evidence in certain Federal investigations or defraud investors of publicly traded securities, to disallow debts incurred in violation of securities

fraud laws from being discharged in bankruptcy, to protect whistleblowers against retaliation by their employers, and for other purposes.

S. 2067

At the request of Mr. BINGAMAN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2067, a bill to amend title XVIII of the Social Security Act to enhance the access of medicare beneficiaries who live in medically underserved areas to critical primary and preventive health care benefits, to improve the Medicare+Choice program, and for other purposes.

S. 2547

At the request of Mr. BINGAMAN, the names of the Senator from New Jersey (Mr. TORRICELLI), the Senator from Washington (Mrs. MURRAY), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2547, a bill to amend title XVIII of the Social Security Act to provide for fair payments under the medicare hospital outpatient department prospective payment system.

S. 2572

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2572, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 2608

At the request of Mr. HOLLINGS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2608, a bill to amend the Coastal Zone Management Act of 1972 to authorize the acquisition of coastal areas in order better to ensure their protection from conversion or development.

S. 2613

At the request of Mr. LIEBERMAN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2613, a bill to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the cost-sharing requirement relating to the additional appropriations, and for other purposes.

S. 2625

At the request of Mr. GRAHAM, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2625, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program.

S. 2637

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2637, a bill to amend the Internal Revenue Code of 1986 and the Surface Mining Control and Reclamation Act of 1977 to protect the health benefits of retired miners and to restore stability and equity to the financing of the United Mine Workers of

America Combined Benefit Fund and 1992 Benefit Plan by providing additional sources of revenue to the Fund and Plan, and for other purposes.

S. 2648

At the request of Mr. HUTCHINSON, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2648, a bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

At the request of Mr. NICKLES, his name was added as a cosponsor of S. 2648, *supra*.

S. 2649

At the request of Mr. KENNEDY, the names of the Senator from New York (Mrs. CLINTON), the Senator from Ohio (Mr. DEWINE), the Senator from South Dakota (Mr. DASCHLE), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from New Jersey (Mr. CORZINE), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2649, a bill to provide assistance to combat the HIV/AIDS pandemic in developing foreign countries.

S. CON. RES. 121

At the request of Mr. HUTCHINSON, the names of the Senator from Oregon (Mr. SMITH) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Con. Res. 121, a concurrent resolution expressing the sense of Congress that there should be established a National Health Center Week for the week beginning on August 18, 2002, to raise awareness of health services provided by community, migrant, public housing, and homeless health centers.

AMENDMENT NO. 3935

At the request of Mr. NELSON of Florida, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of amendment No. 3935 intended to be proposed to S. 2514, an original bill to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself, Mr. SMITH of Oregon, Mr. TORRICELLI, Mr. REED, and Mr. KERRY):

S. 2667. A bill to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, and for other purposes; to the Committee on Foreign Relations.

Mr. DODD. Madam President, I rise today to introduce the Peace Corps Charter for the 21st Century Act, a bill

which I believe addresses the needs and challenges of the Peace Corps of today, and lays a path toward bringing this celebrated organization into its next 40 years.

It was 41 years ago when President Kennedy laid out his vision for the future of American volunteer service. He spoke of a corps of committed and idealistic young volunteers, the Peace Corps, who would travel all over the world, "promoting world peace and friendship." He saw public service as an ideal to transcend political rhetoric. Volunteers were not to reflect particular Republican or Democratic ideology, but rather their service would be a manifestation of the core American values we all share. Their principal objectives in this endeavor would be to help in the development and betterment of the countries and communities they serve, to foster a greater understanding of American values and culture abroad, and to likewise foster a greater appreciation of other peoples and cultures on the part of Americans. Four decades later, thousands upon thousands of Americans have volunteered for the Peace Corps and worked with diligence and compassion to achieve these aims.

It is always with tremendous fondness and pride that I speak of the Peace Corps, as it gives me occasion to recall my own years as a volunteer in the Dominican Republic. I have often spoken of how these two years changed my life. Indeed, living and working outside of the United States and seeing the way other nations operated for the first time, I grew to appreciate our Nation more and more, and developed a strong sense of what it means to be an American. I was proud to share my experience as an American citizen with the people I was there to help. Those two years were invaluable to me, and truly brought home to me the value of public service.

Of course, my Peace Corps service was from 1966–1968, when it was a relatively new organization. Today, I am proud to note that the peace Corps now sends more than 7,000 volunteers to 76 different countries every year. This means that there are 7,000 important American liaisons scattered around the world helping people, promoting American values, and showing the world the best of America. After all, these volunteers are really the heart and soul of the Peace Corps. They are the ones on the front lines, working hard, making one-on-one connections with the citizens of the countries in which they work. For 41 years, they have brought a wealth of practical experience to communities in Africa, Latin America, Asia, the Middle East, Eastern Europe, and the Pacific. Indeed, the enduring success of the Peace Corps is rooted in each volunteer's commitment to leave behind skills that allow people to take charge of their own futures.

As remarkable as the success of the Peace Corps has been, and as important a symbol and example it is of public

service, in the aftermath of the tragic attacks on America of September 11, it has become something more. It has become a necessity. The terrorist attacks of last September have shown us that the world has become a much smaller place. The United States can no longer afford to neglect certain countries, or certain parts of the world. We need to find ways to help developing countries meet their basic needs, and we need to do so now. We especially need to act in places where the citizens are particularly unfamiliar with or unfriendly to American values. Now, more than ever, Peace Corps volunteers play a pivotal role in helping us achieve a greater understanding of America abroad, especially in predominantly Muslim countries.

If we are to expand the aims of the Peace Corps, to broaden its scope, its charter, and to send our volunteers into more countries, then we must provide the Peace Corps with adequate resources to safely and effectively pursue these objectives. I believe that the legislation proposed in the Peace Corps Charter for the 21st Century Act will go a long way to meeting the Peace Corps' funding needs, as well as charting a course toward the future of this valuable organization. I would like to briefly outline the provisions included in this bill, and explain to my colleagues why I feel its enactment is so important.

First, my bill stresses the importance of maintaining the Peace Corps' independence from any political affiliation, party, government agency, or particular administration. This independence is critical to the continued success, credibility, and acceptance of the volunteers in the countries in which they serve. We must vigilantly preserve this success. Especially if we are to expand the number of countries now being served, and if we plan to send our volunteers into more countries with significant Muslim populations, we must make sure that the Peace Corps goals of friendship, peace, and grassroots development are in no way muddled or compromised by political objectives.

As you may know, Congress has called for an expansion of the Peace Corps to include 10,000 volunteers, and the President has called for a doubling of current numbers over five years. While I applaud the enthusiasm inherent in these requests, we must not allow such an increase in quantity to in any way impinge on the quality of the Peace Corps experience, either for the volunteers themselves or the communities they serve. There are currently 7,000 volunteers abroad working under a budget of \$275,000,000. Any expansion in staffing must include a commensurate increase in funding and support resources available to them. In fact, to better address the growing mandate and needs of the Peace Corps, this bill suggests the establishment of an Office of Strategic Planning, as well as a Peace Corps Advisory Council

comprised of returned volunteers to coordinate existing programs and address long-term expansion plans.

One of the most important parts of this bill, which I have already touched on here today, is the need to place a special emphasis on recruiting volunteers for placement in countries whose governments are seeking to foster a greater understanding by and about their citizens. There is to be a special authorization of funds for the purposes of this recruitment, as well as a report due on this subject from the Peace Corps Director within 60 days of the enactment of this legislation. This report will outline a strategy for increasing the Peace Corps presence in countries with substantial Muslim populations. We must find ways to engage with these countries, and to foster a more open interaction and understanding between our citizens.

This bill also sets time line requirements and procedures for new initiatives from the Peace Corps Director. Essentially, this increases Congressional oversight of new projects, programs, or directives. It also requests a description from the Director of current loan forgiveness programs available to volunteers, and a comparison with other government-sponsored loan forgiveness programs.

Another important provision in this legislation is the training mandated for volunteers in the areas of education, prevention, and treatment of infectious diseases such as HIV/AIDS, malaria, and tuberculosis, so that they may better help fight these diseases in the communities in which they serve. This training, in cooperation with the centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization, the Pan American Health Organization, and local health officials, will prepare volunteers to promote a better grassroots approach to public health, safety, and disease prevention.

I also feel strongly, and this is also included in the bill, that we must utilize the insights and experience of returned volunteers to get them more involved in the promotion and support of Peace Corps programs. One way to do this is to provide federal grant monies to certain non-profits in the District of Columbia. These non-profits would be established for the express purpose of using the knowledge, experience, and expertise of returned volunteers to help carry out the goals of the Peace Corps. Returned volunteers are an amazing resource for the Peace Corps. They continue to make a difference here at home through their enduring community service, and their work to strengthen America's appreciation of other cultures. Together they are building a legacy of service for the next generation, and it is my hope that the appropriations included in this legislation, for non-profit grant monies, will provide them with yet another outlet for continued service.

Finally, let me speak briefly to the funding level increases called for in

this legislation. Over the next five years this bill calls for appropriations to be made in the following amounts: \$465 million for fiscal year 2004, \$500 million for fiscal year 2005, \$560 million for fiscal year 2006, and \$560 million for fiscal year 2007. In addition, and most importantly, this bill allows for additional appropriations to be made to address the specific funding needs of the Peace Corps as it seeks to increase volunteer strength. Again, we must not allow expansion to infringe on the quality of the Peace Corps experience. We must ensure that we adequately provide for our volunteers and equip them with sufficient resources to best assist the communities in which they serve.

In conclusion, I believe that the Peace Corps Charter for the 21st Century Act will do an excellent job of modifying the Peace Corps Act to better meet the needs of both our volunteers and an expanding and changing organization. The Peace Corps is a truly remarkable institution in America, a symbol of the very best of our ideals of service, sacrifice, and self-reliance. Our volunteers are to be commended again for their enduring commitment to these ideals, and for the way they are able to communicate the message of the Peace Corps throughout the world. They deserve the very best from us. I urge my colleagues to support this legislation and the continued success of the Peace Corps. 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. 2667

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 "Peace Corps Charter for the 21st Century Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Peace Corps was established in 1961 to promote world peace and friendship through the service of American volunteers abroad.

(2) The three goals codified in the Peace Corps Act which have guided the Peace Corps and its volunteers over the years, can work in concert to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government.

(3) The Peace Corps has operated in 135 countries with 165,000 Peace Corps volunteers since its establishment.

(4) The Peace Corps has sought to fulfill three goals, as follows: to help people in developing nations meet basic needs, to promote understanding of America's values and ideals abroad, and to promote an understanding of other peoples by Americans.

(5) After more than 40 years of operation, the Peace Corps remains the world's premier international service organization dedicated to promoting grassroots development.

(6) The Peace Corps remains committed to sending well trained and well supported Peace Corps volunteers overseas to promote world peace, friendship, and grassroots development.

(7) The Peace Corps is an independent agency, and therefore no Peace Corps personnel or volunteers should have any relationship with any United States intelligence agency or be used to accomplish any other goal than the goals established by the Peace Corps Act.

(8) The Crisis Corps has been an effective tool in harnessing the skills and talents for returned Peace Corps volunteers and should be expanded to utilize to the maximum extent the pool of talent from the returned Peace Corps volunteer community.

(9) The Peace Corps is currently operating with an annual budget of \$275,000,000 in 70 countries with 7,000 Peace Corps volunteers.

(10) There is deep misunderstanding and misinformation about American values and ideals in many parts of the world, particularly those with substantial Muslim populations, and a greater Peace Corps presence in such places could foster greater understanding and tolerance of those countries.

(11) Congress has declared that the Peace Corps should be expanded to sponsor a minimum of 10,000 Peace Corps volunteers.

(12) President George W. Bush has called for the doubling of the number of Peace Corps volunteers in service in a fiscal year to 15,000 volunteers in service by the end of fiscal year 2007.

(13) Any expansion of the Peace Corps shall not jeopardize the quality of the Peace Corps volunteer experience, and therefore can only be accomplished by an appropriate increase in field and headquarters support staff.

(14) It would be extremely useful for the Peace Corps to establish an office of strategic planning to evaluate existing programs and undertake long-term planning in order to facilitate the orderly expansion of the Peace Corps from its current size to the stated objective of 15,000 volunteers in the field by the end of fiscal year 2007.

(15) The Peace Corps would benefit from the advice and council of a streamlined bipartisan National Peace Corps Advisory Council composed of distinguished returned Peace Corps volunteers.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) DIRECTOR.—The term "Director" means the Director of the Peace Corps.

(3) PEACE CORPS VOLUNTEER.—The term "Peace Corps volunteer" means a volunteer or a volunteer leader under the Peace Corps Act.

(4) RETURNED PEACE CORPS VOLUNTEER.—The term "returned Peace Corps volunteer" means a person who has been certified by the Director as having served satisfactorily as a Peace Corps volunteer.

SEC. 4. RESTATEMENT OF INDEPENDENCE OF THE PEACE CORPS.

(a) IN GENERAL.—Section 2A of the Peace Corps Act (22 U.S.C. 2501-1) is amended by adding at the end the following new sentence: "As an independent agency, all recruiting of volunteers shall be undertaken solely by the Peace Corps."

(b) DETAILS AND ASSIGNMENTS.—Section 5(g) of the Peace Corps Act (22 U.S.C. 2504(g)) is amended by inserting after "Provided, That" the following: "such detail or assignment does not contradict the standing of Peace Corps volunteers as being independent from foreign policy-making and intelligence collection: *Provided further, That*".

SEC. 5. REPORTS TO CONGRESS.

(a) CONSULTATIONS AND REPORTS CONCERNING NEW INITIATIVES.—Section 11 of the Peace Corps Act (22 U.S.C. 2510) is amended—

(1) by inserting “(a) ANNUAL REPORTS.—” immediately before “The President shall transmit”; and

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

“(b) CONSULTATIONS AND REPORTS ON NEW INITIATIVES.—Thirty days prior to implementing any new initiative, the Director shall consult with the Peace Corps National Advisory Council established in section 12 and shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report describing the objectives that such initiative is intended to fulfill, an estimate of any costs that may be incurred as a result of the initiative, and an estimate of any impact on existing programs, including the impact on the safety of volunteers under this Act”.

(b) COUNTRY SECURITY REPORTS.—Section 11 of the Peace Corps Act (22 U.S.C. 2510), as amended by subsection (a), is further amended by adding at the end the following:

“(c) COUNTRY SECURITY REPORTS.—The Director of the Peace Corps shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report annually on the status of security procedures in any country in which the Peace Corps operates programs or is considering doing so. Each report shall include recommendations when appropriate as to whether security conditions would be enhanced by collocating volunteers with international or local nongovernmental organizations, or with the placement of multiple volunteers in one location.”.

(c) REPORT ON STUDENT LOAN FORGIVENESS PROGRAMS.—Not later than 30 days after the date of enactment of this Act, the Director of the Peace Corps shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report—

(1) describing the student loan forgiveness programs currently available to Peace Corps volunteers upon completion of their service; and

(2) comparing such programs with other Government-sponsored student loan forgiveness programs.

SEC. 6. SPECIAL VOLUNTEER RECRUITMENT AND PLACEMENT FOR COUNTRIES WHOSE GOVERNMENTS ARE SEEKING TO FOSTER GREATER UNDERSTANDING BY AND ABOUT THEIR CITIZENS.

(a) REPORT.—Not later than 60 days after the date of enactment of this Act, the Director shall submit a report to the appropriate congressional committees describing the initiatives that the Peace Corps intends to pursue in order to solicit requests from eligible countries where the presence of Peace Corps volunteers would facilitate a greater understanding that there exists a universe of commonly shared human values and aspirations and would dispel unfounded fears and suspicion among peoples of diverse cultures and systems of government, including peoples from countries with substantial Muslim populations. Such report shall include—

(1) a description of the recruitment strategies to be employed by the Peace Corps to recruit and train volunteers with the appropriate language skills and interest in serving in such countries; and

(2) a list of the countries that the Director has determined should be priorities for special recruitment and placement of Peace Corps volunteers.

(b) USE OF RETURNED PEACE CORPS VOLUNTEERS.—Notwithstanding any other provision of law, the Director is authorized and strongly urged to utilize the services of re-

turned Peace Corps volunteers having language and cultural expertise, including those returned Peace Corps volunteers who may have served previously in countries with substantial Muslim populations, in order to open or reopen Peace Corps programs in such countries.

(c) ALLOCATION OF FUNDS.—In addition to amounts authorized to be appropriated to the Peace Corps by section 11 for the fiscal years 2003, 2004, 2005, and 2006, there is authorized to be appropriated for the Peace Corps \$5,000,000 each such fiscal year solely for the recruitment, training, and placement of Peace Corps volunteers in countries whose governments are seeking to foster greater understanding by and about their citizens.

SEC. 7. GLOBAL INFECTIOUS DISEASES INITIATIVE.

(a) IN GENERAL.—The Director, in cooperation with the Centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization and the Pan American Health Organization, local public health officials, shall develop a program of training for all Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases in order to ensure that all Peace Corps volunteers make a contribution to the global campaign against such diseases.

(b) DEFINITIONS.—In this section:

(1) AIDS.—The term “AIDS” means the acquired immune deficiency syndrome.

(2) HIV.—The term “HIV” means the human immunodeficiency virus, the pathogen that causes AIDS.

(3) HIV/AIDS.—The term “HIV/AIDS” means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

(4) INFECTIOUS DISEASES.—The term “infectious diseases” means HIV/AIDS, tuberculosis, and malaria.

SEC. 8. PEACE CORPS ADVISORY COUNCIL.

Section 12 of the Peace Corps Act (22 U.S.C. 2511; relating to the Peace Corps National Advisory Council) is amended—

(1) by amending subsection (b)(2)(D) to read as follows:

“(D) make recommendations for utilizing the expertise of returned Peace Corps volunteers in fulfilling the goals of the Peace Corps.”;

(2) in subsection (c)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(C) in paragraph (1) (as so redesignated)—

(i) in subparagraph (A)—

(I) by striking “fifteen” and inserting “seven”;

(II) by striking the second sentence and inserting the following: “All of the members shall be former Peace Corps volunteers, and not more than four shall be members of the same political party.”;

(iii) by amending subparagraph (D) to read as follows:

“(D) The members of the Council shall be appointed to 2-year terms.”;

(iv) by striking subparagraphs (B), (E), and (H); and

(v) by redesignating subparagraphs (C), (D), (F), (G), and (I) as subparagraphs (B), (C), (D), (E), and (F), respectively;

(3) by amending subsection (g) to read as follows:

“(g) CHAIR.—The President shall designate one of the voting members of the Council as Chair, who shall serve in that capacity for a period not to exceed two years.”;

(4) by amending subsection (h) to read as follows:

“(h) MEETINGS.—The Council shall hold a regular meeting during each calendar quarter at a date and time to be determined by the Chair of the Council.”; and

(5) by amending subsection (i) to read as follows:

“(i) REPORT.—Not later than July 30, 2003, and annually thereafter, the Council shall submit a report to the President and the Director of the Peace Corps describing how the Council has carried out its functions under subsection (b)(2).”.

SEC. 9. READJUSTMENT ALLOWANCES.

The Peace Corps Act is amended—

(1) in section 5(c) (22 U.S.C. 2504(c)), by striking “\$125” and inserting “\$275”; and

(2) in section 6(1) (22 U.S.C. 2505(1)), by striking “\$125” and inserting “\$275”.

SEC. 10. PROGRAMS AND PROJECTS OF RETURNED PEACE CORPS VOLUNTEERS TO PROMOTE THE GOALS OF THE PEACE CORPS.

(a) PURPOSE.—The purpose of this section is to provide support for returned Peace Corps volunteers to develop programs and projects to promote the objectives of the Peace Corps, as set forth in section 2 of the Peace Corps Act.

(b) GRANTS TO CERTAIN NONPROFIT CORPORATIONS.—

(1) GRANT AUTHORITY.—To carry out the purpose of this section, and subject to the availability of appropriations, the Director of the Corporation for National and Community Service shall award grants on a competitive basis to private nonprofit corporations that are established in the District of Columbia for the purpose of serving as incubators for returned Peace Corps volunteers seeking to use their knowledge and expertise to undertake community-based projects to carry out the goals of the Peace Corps Act.

(2) ELIGIBILITY FOR GRANTS.—To be eligible to compete for grants under this section, a nonprofit corporation must have a board of directors composed of returned Peace Corps volunteers with a background in community service, education, or health. The director of the corporation (who may also be a board member of the nonprofit corporation) shall also be a returned Peace Corps volunteer with demonstrated management expertise in operating a nonprofit corporation. The stated purpose of the nonprofit corporation shall be to act solely as an intermediary between the Corporation for National and Community Service and individual returned Peace Corps volunteers seeking funding for projects consistent with the goals of the Peace Corps. The nonprofit corporation may act as the accountant for individual volunteers for purposes of tax filing and audit responsibilities.

(c) GRANT REQUIREMENTS.—Such grants shall be made pursuant to a grant agreement between the Director and the nonprofit corporation that requires that—

(1) grant funds will only be used to support programs and projects described in subsection (a) pursuant to proposals submitted by returned Peace Corps volunteers (either individually or cooperatively with other returned volunteers);

(2) the nonprofit corporation give consideration to funding individual projects or programs by returned Peace Corps volunteers up to \$100,000;

(3) not more than 20 percent of funds made available to the nonprofit corporation will be used for the salaries, overhead, or other administrative expenses of the nonprofit corporation; and

(4) the nonprofit corporation will not receive grant funds under this section for more than two years unless the corporation has raised private funds, either in cash or in kind for up to 40 percent of its annual budget.

(d) FUNDING.—Of the funds available to the Corporation for National and Community Service for fiscal year 2003 or any fiscal year thereafter, not to exceed \$10,000,000 shall be available for each such fiscal year to carry out the grant program established under this section.

(e) STATUS OF THE FUND.—Nothing in this section shall be construed to make any non-profit corporation supported under this section an agency or establishment of the United States Government or to make the members of the board of directors or any officer or employee of such corporation an officer or employee of the United States.

(f) FACTORS IN AWARDING GRANTS.—In determining the number of private nonprofit corporations to award grants to in any fiscal year, the Director should balance the number of organizations against the overhead costs that divert resources from project funding.

(g) CONGRESSIONAL OVERSIGHT.—Grant recipients under this section shall be subject to the appropriate oversight procedures of Congress.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is amended—

(1) by striking “2002, and” and inserting “2002,”; and

(2) by inserting before the period the following: “, \$465,000,000 for fiscal year 2004, \$500,000,000 for fiscal year 2005, \$560,000,000 for fiscal year 2006, and \$560,000,000 for fiscal year 2007”.

(b) INCREASE IN PEACE CORPS VOLUNTEER STRENGTH.—Section 3(c) of the Peace Corps Act (22 U.S.C. 2502(c)) is amended by adding the following new subsection at the end thereof:

“(d) In addition to the amounts authorized to be appropriated in this section, there are authorized to be appropriated such additional sums as may be necessary to achieve a volunteer corps of 15,000 as soon as practicable taking into account the security of volunteers and the effectiveness of country programs.”.

By Mrs. HUTCHISON:

S. 2668. A bill to ensure the safety and security of passenger air transportation cargo and all-cargo air transportation; to the Committee on Commerce, Science, and Transportation.

Mrs. HUTCHISON. Madam President, I rise today to introduce legislation to close a dangerous loophole in our aviation security network. The attacks of September 11 forced us to take a hard look at the way we screen passengers and luggage. Congress responded to the challenge with a comprehensive system to perform these tasks through the new Transportation Security Administration. We have required the TSA to check every passenger and every piece of baggage that is placed onboard a flight.

While I am confident that these measures have improved security, Congress has left the back door open to terrorists with plans to disrupt passenger flights. We did not establish a similar regime to ensure the safety of cargo operations. This issue must be addressed. Twenty-two percent of all air cargo in the U.S. is carried on passenger flights, but only a tiny percentage of this cargo is inspected. There is no point to carefully screening every piece of luggage if the cargo placed aboard the same flight is not inspected.

My legislation would also tighten rules for so-called known shippers. Under current procedures, any manufacturer, middleman, or receiver of goods can be classified as a known

shipper, which allows the shipment to proceed without inspection. This is not sufficient to protect the public. We must be sure that companies claiming known shipper status are whom they claim to be and we must improve handling protocols to ensure that terrorists cannot tamper with shipments while they are in transit. My bill would accomplish these goals.

The Air Cargo Security Act would create a comprehensive security process for shipment of cargo, particularly for shipments traveling on passenger flights. It would require that all cargo onboard passenger flights, including foreign-based flights heading for the U.S., be thoroughly inspected. The bill would also direct TSA to establish a “chain of custody” for air cargo that ensures that merchandise is never out of the control of a known shipper. Under these restrictions, cargo could be placed aboard aircraft with confidence that no tampering had occurred in transit.

The legislation would direct TSA to formulate a comprehensive system for certifying known shippers and assigning each one a unique encrypted identifier that must be produced to the air carrier before loading the cargo and cannot be counterfeited. All shippers, including haulers and middlemen, must be certified under the new system. If cargo has been handled in any way by an uncertified company, then it will not fly. The TSA would have to regularly inspect shipping facilities. To accomplish these tasks, the bill would provide TSA with additional manpower and equipment as needed.

I know that air cargo security presents a challenge nearly as large as passenger security. Forcing shippers and carriers to submit to inspection of all cargo would allow only 4 percent of the current volume to be processed. I want to ensure that these inspections do not harm airline operations.

However, if we fail to enact these reforms, we will leave aviation security only half-finished. I fear that we will lose our aviation system if we suffer another successful attack on a passenger flight. I call upon my colleagues to take these concrete, measurable steps to ensuring the safety of air passengers and those on the ground.

AMENDMENTS SUBMITTED—JUNE 20, 2002

SA 3924. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

After title XII, insert the following:

TITLE XIII—COAST GUARD APPROPRIATIONS

SEC. 1301. SHORT TITLE.

This title may be cited as the “Coast Guard Authorization Act of 2002”.

SEC. 1302. TABLE OF CONTENTS.

The table of contents for this title is as follows:

Sec. 1301. Short title.

Sec. 1302. Table of contents.

Subtitle A—Authorization

Sec. 1311. Authorization of appropriations.

Sec. 1312. Authorized levels of military strength and training.

Sec. 1313. LORAN-C.

Sec. 1314. Patrol craft.

Sec. 1315. Caribbean support tender.

Subtitle B—Personnel Management

Sec. 1321. Coast Guard band director rank.

Sec. 1322. Compensatory absence for isolated duty.

Sec. 1323. Suspension of retired pay of Coast Guard members who are absent from the United States to avoid prosecution.

Sec. 1324. Extension of Coast Guard housing authorities.

Sec. 1325. Accelerated promotion of certain Coast Guard officers.

Sec. 1326. Regular lieutenant commanders and commanders; continuation on failure of selection for promotion.

Sec. 1327. Reserve officer promotion.

Sec. 1328. Reserve Student Pre-Commissioning Assistance Program.

Sec. 1329. Continuation on active duty beyond 30 years.

Sec. 1330. Payment of death gratuities on behalf of Coast Guard Auxiliaries.

Sec. 1331. Align Coast Guard severance pay and revocation of commission authority with Department of Defense authority.

Subtitle C—Marine Safety

Sec. 1341. Modernization of national distress and response system.

Sec. 1342. Extension of Territorial Sea for Vessel Bridge-to-Bridge Radio-telephone Act.

Sec. 1343. Icebreaking services.

Sec. 1344. Modification of various reporting requirements.

Sec. 1345. Oil Spill Liability Trust Fund; emergency fund advancement authority.

Sec. 1346. Merchant mariner documentation requirements.

Sec. 1347. Penalties for negligent operations and interfering with safe operation.

Sec. 1348. Fishing vessel safety training.

Sec. 1349. Extend time for recreational vessel and associated equipment recalls.

Sec. 1350. Safety equipment requirement.

Sec. 1351. Marine casualty investigations involving foreign vessels.

Sec. 1352. Maritime Drug Law Enforcement Act amendments.

Sec. 1353. Temporary certificates of documentation for recreational vessels.

Subtitle D—Renewal of Advisory Groups

Sec. 1361. Commercial Fishing Industry Vessel Advisory Committee.

Sec. 1362. Houston-Galveston Navigation Safety Advisory Committee.

Sec. 1363. Lower Mississippi River Waterway Advisory Committee.

Sec. 1364. Navigation Safety Advisory Council.

Sec. 1365. National Boating Safety Advisory Council.

Sec. 1366. Towing Safety Advisory Committee.

Subtitle E—Miscellaneous

Sec. 1381. Conveyance of Coast Guard property in Portland, Maine.

Sec. 1382. Harbor safety committees.

Sec. 1383. Limitation of liability of pilots at Coast Guard Vessel Traffic Services.

Sec. 1384. Conforming references to the former Merchant Marine and Fisheries Committee.

Sec. 1385. Long-term lease authority for lighthouse property.

Sec. 1386. Electronic filing of commercial instruments for vessels.

Sec. 1387. Radio direction finding apparatus carriage requirement.

Sec. 1388. Wing-in-ground craft.

Sec. 1389. Deletion of thumbprint requirement for merchant mariners' documents.

Sec. 1390. Authorization of payment.

Sec. 1391. Additional Coast Guard funding needs after September 11, 2001.

Sec. 1392. Repeal of special authority to revoke endorsements.

Sec. 1393. Prearrival messages from vessels destined to United States ports.

Sec. 1394. Safety and security of ports and waterways.

Sec. 1395. Administrative waiver.

Subtitle A—Authorization

SEC. 1311. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2002, as follows:

(1) For the operation and maintenance of the Coast Guard, \$4,533,000,000, of which—

(A) \$25,000,000 is authorized to be derived from the Oil Spill Liability Trust Fund; and

(B) \$537,000,000 is authorized for activities associated with improving maritime security, including maritime domain awareness and law enforcement operations.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$719,323,000 of which—

(A) \$20,000,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990;

(B) \$50,000,000 is authorized to be available for equipment and facilities associated with improving maritime security awareness, crisis prevention, and response; and

(C) \$338,000,000 is authorized to be available to implement the Coast Guard's Integrated Deepwater system.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue; aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$22,000,000, to remain available until expended, of which \$3,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$876,350,000, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), \$17,000,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program—

(A) \$13,500,000, to remain available until expended; and

(B) \$2,000,000, to remain available until expended, which may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

SEC. 1312. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) **END-OF-YEAR STRENGTH FOR FISCAL YEAR 2002.**—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2002.

(b) **TRAINING STUDENT LOADS FOR FISCAL YEAR 2002.**—For fiscal year 2002, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,050 student years.

SEC. 1313. LORAN-C.

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, \$22,000,000 for fiscal year 2002. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

SEC. 1314. PATROL CRAFT.

(a) **TRANSFER OF CRAFT FROM DOD.**—Notwithstanding any other provision of law, the Secretary of Transportation may accept, by direct transfer without cost, for use by the Coast Guard primarily for expanded drug interdiction activities required to meet national supply reduction performance goals, up to 7 PC-170 patrol craft from the Department of Defense if it offers to transfer such craft.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Coast Guard, in addition to amounts otherwise authorized by this Act, up to \$100,000,000, to remain available until expended, for the conversion of, operation and maintenance of, personnel to operate and support, and shoreside infrastructure requirements for, up to 7 patrol craft.

SEC. 1315. CARIBBEAN SUPPORT TENDER.

(a) **IN GENERAL.**—The Coast Guard is authorized to operate and maintain a Caribbean Support Tender (or similar type vessel) to provide technical assistance, including law enforcement training, for foreign coast guards, navies, and other maritime services.

(b) **MEDICAL AND DENTAL CARE.**—

(1) The Commandant may provide medical and dental care to foreign military Caribbean Support Tender personnel and their dependents accompanying them in the United States—

(A) on an outpatient basis without cost; and

(B) on an outpatient basis if the United States is reimbursed for the costs of providing such care. Payments received as reimbursement for the provision of such care shall be credited to the appropriations against which the charges were made for the provision of such care.

(2) Notwithstanding paragraph (a)(B), the Commandant may provide inpatient medical and dental care in the United States without cost to foreign military Caribbean Support

Tender personnel and their dependents accompanying them in the United States if comparable care is made available to a comparable number of United States military personnel in that foreign country.

Subtitle B—Personnel Management

SEC. 1321. COAST GUARD BAND DIRECTOR RANK.

Section 336(d) of title 14, United States Code, is amended by striking "commander" and inserting "captain".

SEC. 1322. COMPENSATORY ABSENCE FOR ISOLATED DUTY.

(a) **IN GENERAL.**—Section 51 of title 14, United States Code, is amended to read as follows:

"§ 511. Compensatory absence from duty for military personnel at isolated duty stations

"The Secretary may grant compensatory absence from duty to military personnel of the Coast Guard serving at isolated duty stations of the Coast Guard when conditions of duty result in confinement because of isolation or in long periods of continuous duty."

(b) **CLERICAL AMENDMENT.**—The chapter analysis for chapter 13 of title 14, United States Code, is amended by striking the item relating to section 511 and inserting the following: "511. Compensatory absence from duty for military personnel at isolated duty stations."

SEC. 1323. SUSPENSION OF RETIRED PAY OF COAST GUARD MEMBERS WHO ARE ABSENT FROM THE UNITED STATES TO AVOID PERSECUTION.

Section 633 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201) is amended by redesignating subsections (b), (c), and (d) in order as subsections (c), (d), and (e), and by inserting after subsection (a) the following:

"(b) **APPLICATION TO COAST GUARD.**—Procedures promulgated by the Secretary of Defense under subsection (a) shall apply to the Coast Guard. The Commandant of the Coast Guard shall be considered a Secretary of a military department for purposes of suspending pay under this section."

SEC. 1324. EXTENSION OF COAST GUARD HOUSING AUTHORITIES.

(a) **IN GENERAL.**—Section 689 of title 14, United States Code, is amended by striking "2001." and inserting "2006."

(b) **HOUSING DEMONSTRATION PROJECT.**—Section 687 of title 14, United States Code, is amended by adding at the end the following:

"(g) **DEMONSTRATION PROJECT AUTHORIZED.**—To promote efficiencies through the use of alternative procedures for expediting new housing projects, the Secretary—

"(1) may develop and implement a demonstration project for acquisition or construction of military family housing and military unaccompanied housing at the Coast Guard installation at Kodiak, Alaska;

"(2) in implementing the demonstration project shall utilize, to the maximum extent possible, the contracting authority of the Small Business Administration's section 8(a) program;

"(3) shall, to the maximum extent possible, acquire or construct such housing through contracts with small business concerns qualified under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) that have their principal place of business in the State of Alaska; and

"(4) shall report to Congress by September 1st of each year on the progress of activities under the demonstration project."

SEC. 1325. ACCELERATED PROMOTION OF CERTAIN COAST GUARD OFFICERS.

Title 14, United States Code, is amended—

(1) by adding at the end of section 259 the following:

"(c)(1) After selecting the officers to be recommended for promotion, a selection

board may recommend officers of particular merit, from among those officers chosen for promotion, to be placed at the top of the list of selectees promulgated by the Secretary under section 271(a) of this title. The number of officers that a board may recommend to be placed at the top of the list of selectees may not exceed the percentages set forth in subsection (b) unless such a percentage is a number less than one, in which case the board may recommend one officer for such placement. No officer may be recommended to be placed at the top of the list of selectees unless he or she receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.

“(2) The Secretary shall conduct a survey of the Coast Guard officer corps to determine if implementation of this subsection will improve Coast Guard officer retention. A selection board may not make any recommendation under this subsection before the date the Secretary publishes a finding that implementation of this subsection will improve Coast Guard officer retention and management.

“(3) The Secretary shall submit any finding made by the Secretary pursuant to paragraph (2) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.”;

(2) by inserting “and the names of those officers recommended to be advanced to the top of the list of selectees established by the Secretary under section 271(a) of this title” in section 260(a) after “promotion”; and

(3) by inserting at the end of section 271(a) the following: “The names of all officers approved by the President and recommended by the board to be placed at the top of the list of selectees shall be placed at the top of the list of selectees in the order of seniority on the active duty promotion list.”.

SEC. 1326. REGULAR LIEUTENANT COMMANDERS AND COMMANDERS; CONTINUATION ON FAILURE OF SELECTION FOR PROMOTION.

Section 285 of title 14, United States Code, is amended—

(1) by striking “Each officer” and inserting “(a) Each officer”; and

(2) by adding at the end the following new subsections:

“(b) A lieutenant commander or commander of the Regular Coast Guard subject to discharge or retirement under subsection (a) may be continued on active duty when the Secretary directs a selection board convened under section 251 of this title to continue up to a specified number of lieutenant commanders or commanders on active duty. When so directed, the selection board shall recommend those officers who in the opinion of the board are best qualified to advance the needs and efficiency of the Coast Guard. When the recommendations of the board are approved by the Secretary, the officers recommended for continuation shall be notified that they have been recommended for continuation and offered an additional term of service that fulfills the needs of the Coast Guard.

“(c)(1) An officer who holds the grade of lieutenant commander of the Regular Coast Guard may not be continued on active duty under subsection (b) for a period which extends beyond 24 years of active commissioned service unless promoted to the grade of commander of the Regular Coast Guard. An officer who holds the grade of commander of the Regular Coast Guard may not be continued on active duty under subsection (b) for a period which extends beyond 26 years of active commissioned service unless pro-

moted to the grade of captain of the Regular Coast Guard.

“(2) Unless retired or discharged under another provision of law, each officer who is continued on active duty under subsection (b), is not subsequently promoted or continued on active duty, and is not on a list of officers recommended for continuation or for promotion to the next higher grade, shall, if eligible for retirement under any provision of law, be retired under that law on the first day of the first month following the month in which the period of continued service is completed.”

SEC. 1327. RESERVE OFFICER PROMOTIONS.

(a) Section 729(i) of title 14, United States Code is amended by inserting “on the date a vacancy occurs, or as soon thereafter as practicable, in the grade to which the officer was selected for promotion, or if promotion was determined in accordance with a running mate system,” after “grade”.

(b) Section 731 of title 14, United States Code, is amended by striking the period at the end of the sentence in section 731, and inserting “, or in the event that promotion is not determined in accordance with a running mate system, then a Reserve officer becomes eligible for consideration for promotion to the next higher grade at the beginning of the promotion year in which he completes the following amount of service computed from his date of rank in the grade in which he is serving:

“(1) 2 years in the grade of lieutenant (junior grade).

“(2) 3 years in the grade of lieutenant.

“(3) 4 years in the grade of lieutenant commander.

“(4) 4 years in the grade of commander.

“(5) 3 years in the grade of captain.”.

(c) Section 736(a) of title 14, United States Code, is amended by inserting “the date of rank shall be the date of appointment in that grade, unless the promotion was determined in accordance with a running mate system, in which event” after “subchapter,” in the first sentence.

SEC. 1328. RESERVE STUDENT PRE-COMMISSIONING ASSISTANCE PROGRAM.

(a) IN GENERAL.—Chapter 21 of title 14, United States Code, is amended by inserting after section 709 the following new section:

“§ 709a. Reserve student pre-commissioning assistance program

“(a) The Secretary may provide financial assistance to an eligible enlisted member of the Coast Guard Reserve, not on active duty, for expenses of the member while the member is pursuing on a full-time basis at an institution of higher education a program of education approved by the Secretary that leads to—

“(1) a baccalaureate degree in not more than 5 academic years; or

“(2) a post-baccalaureate degree.

“(b)(1) To be eligible for financial assistance under this section, an enlisted member of the Coast Guard Reserve shall—

“(A) be enrolled on a full-time basis in a program of education referred to in subsection (a) at any institution of higher education; and

“(B) enter into a written agreement with the Coast Guard described in paragraph (2).

“(2) A written agreement referred to in paragraph (1)(B) is an agreement between the member and the Secretary in which the member agrees—

“(A) to accept an appointment as a commissioned officer in the Coast Guard Reserve, if tendered;

“(B) to serve on active duty for up to five years; and

“(C) under such terms and conditions as shall be prescribed by the Secretary, to serve in the Coast Guard Reserve until the eighth anniversary of the date of the appointment.

“(c) Expenses for which financial assistance may be provided under this section are the following:

“(1) Tuition and fees charged by the institution of higher education involved.

“(2) The cost of books.

“(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

“(4) Such other expenses as are deemed appropriate by the Secretary.

“(d) The amount of financial assistance provided to a member under this section shall be prescribed by the Secretary, but may not exceed \$25,000 for any academic year.

“(e) Financial assistance may be provided to a member under this section for up to 5 consecutive academic years.

“(f) A member who receives financial assistance under this section may be ordered to active duty in the Coast Guard Reserve by the Secretary to serve in a designated enlisted grade for such period as the Secretary prescribes, but not more than 4 years, if the member—

“(1) completes the academic requirements of the program and refuses to accept an appointment as a commissioned officer in the Coast Guard Reserve when offered;

“(2) fails to complete the academic requirements of the institution of higher education involved; or

“(3) fails to maintain eligibility for an original appointment as a commissioned officer.

“(g)(1) If a member requests to be released from the program and the request is accepted by the Secretary, or if the member fails because of misconduct to complete the period of active duty specified, or if the member fails to fulfill any term or condition of the written agreement required to be eligible for financial assistance under this section, the financial assistance shall be terminated. The member shall reimburse the United States in an amount that bears the same ratio to the total cost of the education provided to such person as the unserved portion of active duty bears to the total period of active duty such person agreed to serve. The Secretary shall have the option to order such reimbursement without first ordering the member to active duty.

“(2) The Secretary may waive the service obligated under subsection (f) of a member who is not physically qualified for appointment and who is determined to be unqualified for service as an enlisted member of the Coast Guard Reserve due to a physical or medical condition that was not the result of the member's own misconduct or grossly negligent conduct. An obligation to reimburse the United States imposed under this paragraph is for all purposes a debt owed to the United States.

“(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (b) does not discharge the individual signing the agreement from a debt arising under such agreement or under paragraph (1).

“(h) As used in this section, the term ‘institution of higher education’ has the meaning given that term in section 101 of the Higher Education Act of 1965 (209 U.S.C. 1001).”.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 21 of title 14, United States Code, is amended by adding the following new item after the item relating to section 709: “709A. Reserve student pre-commissioning assistance program.”.

SEC. 1329. CONTINUATION ON ACTIVE DUTY BEYOND 30 YEARS.

Section 289 of title 14, United States Code, is amended by adding at the end the following:

“(h) Notwithstanding subsection (g) and section 288 of this title, the Commandant may by annual action retain on active duty from promotion year to promotion year any officer who would otherwise be retired under subsection (g) or section 288 of this title. An officer so retained, unless retired under some other provision of law, shall be retired on June 30 of that promotion year in which no action is taken to further retain the officer under this subsection.”.

SEC. 1330. PAYMENT OF DEATH GRATUITIES ON BEHALF OF COAST GUARD AUXILIARISTS.

(a) Section 823a(b) of title 14, United States Code, is amended by inserting the following new paragraph following paragraph (8):

“(9) On or after January 1, 2001, the first section 651 contained in the Omnibus Consolidated Appropriations Act, 1997 (110 Stat. 3009-368).”.

SEC. 1331. ALIGN COAST GUARD SEVERANCE PAY AND REVOCATION OF COMMISSION AUTHORITY WITH DEPARTMENT OF DEFENSE AUTHORITY.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended—

(1) in section 281—

(A) by striking “three” in the section heading and inserting “five”; and

(B) by striking “three” in the text and inserting “five”;

(2) in section 283(b)(2)(A), by striking “severance” and inserting “separation”;

(3) in section 286—

(A) by striking “severance” in the section heading and inserting “separation”; and

(B) by striking subsection (b) and inserting the following:

“(b) An officer of the Regular Coast Guard who is discharged under this section or section 282, 283, or 284 of this title who has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge or release is entitled to separation pay computed under subsection (d)(1) of section 1174 of title 10.

“(c) An officer of the Regular Coast Guard who is discharged under section 327 of this title, who has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge or release is entitled to separation pay computed under subsection (d)(1) or (d)(2) of section 1174 of title 10 as determined under regulations promulgated by the Secretary.

“(d) Notwithstanding subsection (a) or (b), an officer discharged under chapter 11 of this title for twice failing of selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer requested in writing or otherwise sought not to be selected for promotion, or requested removal from the list of selectees.”.

(4) in section 286a—

(A) by striking “severance” in the section heading and inserting “separation” in its place; and

(B) by striking subsections (a), (b), and (c) and inserting the following:

“(a) A regular warrant officer of the Coast Guard who is discharged under section 580 of title 10, and has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge is entitled to separation pay computed under subsection (d)(1) of section 1174 of title 10.

“(b) A regular warrant officer of the Coast Guard who is discharged under section 1165 or 1166 of title 10, and has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge is entitled to separation pay computed under subsection (d)(1) or (d)(2) of section 1174 of title 10, as determined under regulations promulgated by the Secretary.

“(c) In determining a member's years of active service for the purpose of computing

separation pay under this section, each full month of service that is in addition to the number of full years of service creditable to the member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.”; and

(5) in section 327—

(A) by striking “severance” in the section heading and inserting “separation”;

(B) by striking subsection (a)(2) and inserting in its place the following:

“(2) for discharge with separation benefits under section 286(c) of this title.”;

(C) by striking subsection (a)(3);

(D) by striking subsection (b)(2) and inserting in its place the following:

“(2) if on that date the officer is ineligible for voluntary retirement under any law, be honorably discharged with separation benefits under section 286(c) of this title, unless under regulations promulgated by the Secretary the condition under which the officer is discharged does not warrant an honorable discharge.”; and

(E) by striking subsection (b)(3).

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of title 14, United States Code, is amended—

(1) in the item relating to section 281, by striking “three” and inserting “five” in its place; and

(2) in the item relating to section 286, by striking “severance” and inserting “separation” in its place;

(3) in the item relating to section 286a, by striking “severance” and inserting “separation” in its place; and

(4) in the item relating to section 327, by striking “severance” and inserting “separation” in its place.

(c) EFFECTIVE DATE.—The amendments made by paragraphs (2), (3), (4), and (5) of subsection (a) shall take effect four years after the date of enactment of this title, except that subsection (d) of section 286 of title 14, United States Code, as amended by paragraph (3) of subsection (a) of this section shall take effect on enactment of this title and shall apply with respect to conduct on or after that date. The amendments made to the table of sections of chapter 11 of title 14, United States Code, by paragraphs (2), (3), and (4) of subsection (b) of this section shall take effect four years after the date of enactment of this title.

Subtitle C—Marine Safety

SEC. 1341. MODERNIZATION OF NATIONAL DISTRESS AND RESPONSE SYSTEM.

(a) REPORT.—The Secretary of Transportation shall prepare a status report on the modernization of the National Distress and Response System and transmit the report, not later than 60 days after the date of enactment of this title, and annually thereafter until completion of the project, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) CONTENTS.—The report required by subsection (a) shall—

(1) set forth the scope of the modernization, the schedule for completion of the System, and provide information on progress in meeting the schedule and on any anticipated delays;

(2) specify the funding expended to-date on the System, the funding required to complete the system, and the purposes for which the funds were or will be expended;

(3) describe and map the existing public and private communications coverage throughout the waters of the coastal and internal regions of the continental United States, Alaska, Hawaii, Guam, and the Caribbean, and identify locations that possess direction-finding, asset-tracking commu-

nications, and digital selective calling service;

(4) identify areas of high risk to boaters and Coast Guard personnel due to communications gaps;

(5) specify steps taken by the Secretary to fill existing gaps in coverage, including obtaining direction-finding equipment, digital recording systems, asset-tracking communications, use of commercial VHF services, and digital selective calling services that meet or exceed Global Maritime Distress and Safety System requirements adopted under the International Convention for the Safety of Life at Sea;

(6) identify the number of VHF-FM radios equipped with digital selective calling sold to United States boaters;

(7) list all reported marine accidents, casualties, and fatalities occurring in areas with existing communications gaps or failures, including incidents associated with gaps in VHF-FM coverage or digital selective calling capabilities and failures associated with inadequate communications equipment aboard the involved vessels during calendar years 1997 forward;

(8) identify existing systems available to close identified marine safety gaps before January 1, 2003, including expeditious receipt and response by appropriate Coast Guard operations centers to VHF-FM digital selective calling distress signal; and

(9) identify actions taken to-date to implement the recommendations of the National Transportation Safety Board in its Report No. MAR-99-01.

SEC. 1342. EXTENSION OF TERRITORIAL SEA FOR VESSEL BRIDGE-TO-BRIDGE RADIO-TELEPHONE ACT.

Section 4(b) of the Vessel Bridge-to-Bridge Radio-telephone Act (33 U.S.C. 1203(b)), is amended by striking “United States inside the lines established pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended.” and inserting “United States, which includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.”.

SEC. 1343. ICEBREAKING SERVICES.

The Commandant of the Coast Guard shall not plan, implement or finalize any regulation or take any other action which would result in the decommissioning of any WYTL-class harbor tugs unless and until the Commandant certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House, that sufficient replacement assets have been procured by the Coast Guard to remediate any degradation in current icebreaking services that would be caused by such decommissioning.

SEC. 1344. MODIFICATION OF VARIOUS REPORTING REQUIREMENTS.

(a) TERMINATION OF OIL SPILL LIABILITY TRUST FUND ANNUAL REPORT.—

(1) IN GENERAL.—The report required by the Oil Spill Liability Trust Fund required by the Conference Report (House Report 101-892) accompanying the Department of Transportation and Related Agencies Appropriations Act, 1991, as that requirement was amended by section 1122 of the Federal Reports Elimination and Sunset Act of 1995 (Pub. L. 104-66), shall no longer be submitted to the Congress.

(2) REPEAL.—Section 1122 of the Federal Reports Elimination and Sunset Act of 1995 (Pub. L. 104-66) is amended by—

(A) striking subsection (a); and

(B) in subsection (b) by striking “(b)”.

(b) PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.—Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act

of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) COAST GUARD OPERATIONS AND EXPENDITURES.—Section 651 of title 14, United States Code.

(2) SUMMARY OF MARINE CASUALTIES REPORTED DURING PRIOR FISCAL YEAR.—Section 6307(c) of title 46, United States Code.

(3) USER FEE ACTIVITIES AND AMOUNTS.—Section 664 of title 46, United States Code.

(4) CONDITIONS OF PUBLIC PORTS OF THE UNITED STATES.—Section 308(c) of title 49, United States Code.

(5) ACTIVITIES OF FEDERAL MARITIME COMMISSION.—Section 208 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1118).

(6) ACTIVITIES OF INTERAGENCY COORDINATING COMMITTEE ON OIL POLLUTION RESEARCH.—Section 7001(e) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(e)).

SEC. 1345. OIL SPILL LIABILITY TRUST FUND; EMERGENCY FUND ADVANCEMENT AUTHORITY.

Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended after the first sentence by inserting "To the extent that such amount is not adequate for removal of a discharge or the mitigation or prevention of a substantial threat of a discharge, the Coast Guard may obtain an advance from the Fund such sums as may be necessary, up to a maximum of \$100,000,000, and within 30 days shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance. Amounts advanced shall be repaid to the Fund when, and to the extent that removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge."

SEC. 1346. MERCHANT MARINER DOCUMENTATION REQUIREMENTS.

(a) INTERIM MERCHANT MARINERS' DOCUMENTS.—Section 7302 of title 46, United States Code, is amended—

(1) by striking "A" in subsection (f) and inserting "Except as provided in subsection (g), a"; and

(2) by adding at the end the following: "(g)(1) The Secretary may, pending receipt and review of information required under subsections (c) and (d), immediately issue an interim merchant mariner's document valid for a period not to exceed 120 days, to—

"(A) an individual to be employed as gaming personnel, entertainment personnel, wait staff, or other service personnel on board a passenger vessel not engaged in foreign service, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; or

"(B) an individual seeking renewal of, or qualifying for a supplemental endorsement to, a valid merchant mariner's document issued under this section.

"(2) No more than one interim document may be issued to an individual under paragraph (1)(A) of this subsection."

(b) EXCEPTION.—Section 8701(a) of title 46, United States Code, is amended—

(1) by striking "and" after the semicolon in paragraph (8);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following:

"(9) a passenger vessel not engaged in a foreign voyage with respect to individuals on board employed for a period of not more than 30 service days within a 12 month period as entertainment personnel, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; and"

SEC. 1347. PENALTIES FOR NEGLIGENT OPERATIONS AND INTERFERING WITH SAFE OPERATION.

Section 2302(a) of title 46, United States Code, is amended by striking "\$1,000." and

inserting "\$5,000 in the case of a recreational vessel, or \$25,000 in the case of any other vessel."

SEC. 1438. FISHING VESSEL SAFETY TRAINING.

(a) IN GENERAL.—The Commandant of the Coast Guard may provide support, with or without reimbursement, to an entity engaged in fishing vessel safety training including—

(1) assistance in developing training curricula;

(2) use of Coast Guard personnel, including active duty members, members of the Coast Guard Reserve, and members of the Coast Guard Auxiliary, as temporary or adjunct instructors;

(3) sharing of appropriate Coast Guard informational and safety publications; and

(4) participation on application fishing vessel safety training advisory panels.

(b) No Interference with Other Functions.—In providing support under subsection (a), the Commandant shall ensure that the support does not interfere with any Coast Guard function or operation.

SEC. 1349. EXTEND TIME FOR RECREATIONAL VESSEL AND ASSOCIATED EQUIPMENT RECALLS.

Section 4310(c) of title 46, United States Code, is amended—

(1) by striking "5" wherever it appears and inserting "10" in its place in paragraph (2)(A) and (B).

(2) by inserting "by first class mail or" in front of "by certified mail" in paragraph (1)(A), (B), and (C).

SEC. 1350. SAFETY EQUIPMENT REQUIREMENT.

The Commandant of the Coast Guard shall ensure that all Coast Guard personnel are equipped with adequate safety equipment, including survival suits where appropriate, while performing search and rescue missions.

SEC. 1351. MARINE CASUALTY INVESTIGATIONS INVOLVING FOREIGN VESSELS.

Section 6101 of title 46, United States Code, is amended—

(1) 2 redesignating the second subsection (e) as subsection (f); and

(2) by adding at the end the following new subsection:

"(g) To the extent consistent with generally recognized practices and procedures of international law, this part applies to a foreign vessel involved in a marine casualty or incident, as defined in the International Maritime Organization Code for the Investigation of Marine Casualties and Incidents, where the United States is a Substantially Interested State and is, or has the consent of, the Lead Investigating State under the Code."

SEC. 1352. MARITIME DRUG LAW ENFORCEMENT ACT AMENDMENTS.

(a) Section 3 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903) is amended—

(1) in subsection (c)(1)(D) by striking "and";

(2) in subsection (c)(1)(E) by striking "United States." and inserting "United States; and"; and

(3) by inserting after subsection (c)(1)(E) the following:

"(F) a vessel located in the contiguous zone of the United States, as defined in Presidential Proclamation 7219 of September 2, 1999, and (i) is entering the United States, (ii) has departed the United States, or (iii) is a hovering vessel as defined in 19 U.S.C. 1401(k)."

(b) Section 4 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1904) is amended—

(1) by inserting "(a)" before "Any property"; and

(2) by adding at the end the following:

"(b) Practices commonly recognized as smuggling tactics may provide prima facie

evidence of intent to use a vessel to commit, or to facilitate the commission of, an offense under this chapter, and may support seizure and forfeiture of the vessel, even in the absence of controlled substances aboard the vessel. The following indicia, inter alia, may be considered, in the totality of the circumstances, to be prima facie evidence that a vessel is intended to be used to commit, or to facilitate the commission of an offense under this chapter:

"(1) The construction or adaptation of the vessel in a manner that facilitates smuggling, including—

"(A) the configuration of the vessel to ride low in the water or present a low hull profile to avoid being detected visually or by radar;

"(B) the presence of any compartment or equipment which is built or fitted out for smuggling, not including items such as a safe or lock-box reasonably used for the storage of personal valuables;

"(C) the presence of an auxiliary tank not installed in accordance with applicable law, or installed in such a manner as to enhance the vessel's smuggling capability;

"(D) the presence of engines that are excessively over-powered in relation to the design and size of the vessel;

"(E) the presence of materials used to reduce or alter the heat or radar signature of the vessel and avoid detection;

"(F) the presence of a camouflaging paint scheme, or of materials used to camouflage the vessel, to avoid detection; or

"(G) the display of false vessel registration numbers, false indicia of vessel nationality, false vessel name, or false vessel homeport.

"(2) The presence or absence of equipment, personnel, or cargo inconsistent with the type or declared purpose of the vessel.

"(3) The presence of excessive fuel, lube oil, food, water, or spare parts, inconsistent with legitimate vessel operation, inconsistent with the construction or equipment of the vessel, or inconsistent with the character of the vessel's stated purpose.

"(4) The operation of the vessel without lights during times lights are required to be displayed under applicable law or regulation, and in a manner of navigation consistent with smuggling tactics used to avoid detection by law enforcement authorities.

"(5) The failure of the vessel to stop or respond or heave to when hailed by government authority, especially where the vessel conducts evasive maneuvering when hailed.

"(6) The declaration to government authority of apparently false information about the vessel, crew, or voyage, or the failure to identify the vessel by name or country of registration when requested to do so by government authority.

"(7) The presence of controlled substance residue on the vessel, on an item aboard the vessel, or on a person aboard the vessel, of a quantity or other nature which reasonably indicates manufacturing or distribution activity.

"(8) The use of petroleum products or other substances on the vessel to foil the detection of controlled substance residue.

"(9) The presence of a controlled substance in the water in the vicinity of the vessel, where given the currents, weather conditions, and course and speed of the vessel, the quantity or other nature is such that it reasonably indicates manufacturing or distribution activity."

SEC. 1353. TEMPORARY CERTIFICATES OF DOCUMENTATION FOR RECREATIONAL VESSELS.

(a) Section 12103 (a) of title 46, United States Code, is amended by inserting ", or a temporary certificate of documentation," after "certificate of documentation".

(b)(1) Chapter 121 of title 46, United States Code, is amended by adding a new section 12103a, as follows:

“§ 12103a. Issuance of temporary certificate of documentation by third parties

“(a) The Secretary of Transportation may delegate, subject to the supervision and control of the Secretary and under terms set out by regulation, to private entities determined and certified by the Secretary to be qualified, the authority to issue a temporary certificate of documentation for a recreational vessel, if the applicant for the certificate of documentation meets the requirements set out in sections 12102 and 12103 of this chapter.

“(b) A temporary certificate of documentation issued under section 12103(a) and subsection (a) of this section is valid for up to 30 days from issuance.”.

(2) The table of sections at the beginning of chapter 121 of title 46, United States Code, is amended by inserting after the item relating to section 12103 the following:

“12103a. Issuance of temporary certificate of documentation by third parties.”.

Subtitle D—Renewal of Advisory Groups

SEC. 1361. COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.

(a) COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.—Section 4508 of title 46, United States Code, is amended—

(1) by inserting “Safety” in the heading after “Vessel”;

(2) by inserting “Safety” in subsection (a) after “Vessel”;

(3) by striking “(5 U.S.C. App. 1 et seq.)” in subsection (e)(1) and inserting “(5 U.S.C. App.)”; and

(4) by striking “September 30, 2000” and inserting “September 30, 2005”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 45 of title 46, United States Code, is amended by striking the item relating to section 4508 and inserting the following:

“4508. Commercial Fishing Industry Vessel Safety Advisory Committee.”.

SEC. 1362. HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.

Section 18(h) of the Coast Guard Authorization Act of 1991 (Public Law 102–241) is amended by striking “September 30, 2000.” and inserting “September 30, 2005”.

SEC. 1363. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

Section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102–241) is amended by striking “September 30, 2000” in subsection (g) and inserting “September 30, 2005”.

SEC. 1364. NAVIGATION SAFETY ADVISORY COUNCIL.

Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking “September 30, 2000” in subsection (d) and inserting “September 30, 2005”.

SEC. 1365. NATIONAL BOATING SAFETY ADVISORY COUNCIL.

Section 13110 of title 46, United States Code, is amended by striking “September 30, 2000” in subsection (e) and inserting “September 30, 2005”.

SEC. 1366. TOWING SAFETY ADVISORY COMMITTEE.

The Act entitled “An Act to Establish a Towing Safety Advisory Committee in the Department of Transportation” (33 U.S.C. 1231a) is amended by striking “September 30, 2000.” in subsection (e) and inserting “September 30, 2005.”.

Subtitle E—Miscellaneous

SEC. 1381. CONVEYANCE OF COAST GUARD PROPERTY IN PORTLAND, MAINE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Administrator of General Services may convey to the Gulf of

Maine Aquarium Development Corporation, its successors and assigns, without payment for consideration, all right, title, and interest of the United States in and to approximately 4.13 acres of land, including a pier and bulkhead, known as the Naval Reserve Pier property, together with any improvements thereon in their then current condition, located in Portland, Maine. All conditions placed with the deed of title shall be construed as covenants running with the land.

(2) IDENTIFICATION OF PROPERTY.—The Administrator, in consultation with the Commandant of the Coast Guard, may identify, describe, and determine the property to be conveyed under this section. The floating docks associated with or attached to the Naval Reserve Pier property shall remain the personal property of the United States.

(b) LEASE TO THE UNITED STATES.—

(1) CONDITION OF CONVEYANCE.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into a lease agreement with the United States, the terms of which are mutually satisfactory to the Commandant and the Corporation, in which the Corporation shall lease a portion of the Naval Reserve Pier property to the United States for a term of 30 years without payment of consideration. The lease agreement shall be executed within 12 months after the date of enactment of this title.

(2) IDENTIFICATION OF LEASED PREMISES.—The Administrator, in consultation with the Commandant, may identify and describe the leased premises and rights of access, including the following, in order to allow the Coast Guard to operate and perform missions from and upon the leased premises:

(A) The right of ingress and egress over the Naval Reserve Pier property, including the pier and bulkhead, at any time, without notice, for purposes of access to Coast Guard vessels and performance of Coast Guard missions and other mission-related activities.

(B) The right to berth Coast Guard cutters or other vessels as required, in the moorings along the east side of the Naval Reserve Pier property, and the right to attach floating docks which shall be owned and maintained at the United States’ sole cost and expense.

(C) The right to operate, maintain, remove, relocate, or replace an aid to navigation located upon, or to install any aid to navigation upon, the Naval Reserve Pier property as the Coast Guard, in its sole discretion, may determine is needed for navigational purposes.

(D) The right to occupy up to 3,000 contiguous gross square feet at the Naval Reserve Pier property for storage and office space, which will be provided and constructed by the Corporation, at the Corporation’s sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense.

(E) The right to occupy up to 1,200 contiguous gross square feet of offsite storage in a location other than the Naval Reserve Pier property, which will be provided by the Corporation at the Corporation’s sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense.

(F) The right for Coast Guard personnel to park up to 60 vehicles, at no expense to the government, in the Corporation’s parking spaces on the Naval Reserve Pier property or in parking spaces that the Corporation may secure within 1,000 feet of the Naval Reserve Pier property or within 1,000 feet of the Coast Guard Marine Safety Office Portland. Spaces for no less than 30 vehicles shall be located on the Naval Reserve Pier property.

(3) RENEWAL.—The lease described in paragraph (1) may be renewed, at the sole option

of the United States, for additional lease terms.

(4) LIMITATION ON SUBLEASES.—The United States may not sublease the leased premises to a third party or use the leased premises for purposes other than fulfilling the missions of the Coast Guard and for other mission-related activities.

(5) TERMINATION.—In the event that the Coast Guard ceases to use the leased premises, the Administrator, in consultation with the Commandant, may terminate the lease with the Corporation.

(c) IMPROVEMENT OF LEASED PREMISES.—

(1) IN GENERAL.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States subject to the Commandant’s design specifications, project’s schedule, and final project approval, to replace the bulkhead and pier which connects to and provides access from, the bulkhead to the floating docks, at the Corporation’s sole cost and expense, on the east side of the Naval Reserve Pier property within 30 months from the date of conveyance. The agreement to improve the leased premises shall be executed within 12 months after the date of enactment of this title.

(2) FURTHER IMPROVEMENTS.—In addition to the improvements described in paragraph (1), the Commandant is authorized to further improve the leased premises during the lease term, at the United States’ sole cost and expense.

(d) UTILITY INSTALLATION AND MAINTENANCE OBLIGATIONS.—

(1) UTILITIES.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to allow the United States to operate and maintain existing utility lines and related equipment, at the United States’ sole cost and expense. At such time as the Corporation constructs its proposed public aquarium, the Corporation shall replace existing utility lines and related equipment and provide additional utility lines and equipment capable of supporting a third 110-foot Coast Guard cutter, with comparable, new, code compliant utility lines and equipment at the Corporation’s sole cost and expense, maintain such utility lines and related equipment from an agreed upon demarcation point, and make such utility lines and equipment available for use by the United States, provided that the United States pays for its use of utilities at its sole cost and expense. The agreement concerning the operation and maintenance of utility lines and equipment shall be executed within 12 months after the date of enactment of this title.

(2) MAINTENANCE.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to maintain, at the Corporation’s sole cost and expense, the replacement bulkhead and pier on the east side of the Naval Reserve Pier property. The agreement concerning the maintenance of the bulkhead and pier shall be executed within 12 months after the date of enactment of this title.

(3) AIDS TO NAVIGATION.—The United States shall be required to maintain, at its sole cost and expense, any Coast Guard active aid to navigation located upon the Naval Reserve Pier property.

(e) ADDITIONAL RIGHTS.—The conveyance of the Naval Reserve Pier property shall be made subject to conditions the Administrator or the Commandant consider necessary to ensure that—

(1) the Corporation shall not interfere or allow interference, in any manner, with use of the leased premises by the United States; and

(2) the Corporation shall not interfere or allow interference, in any manner, with any

aid to navigation nor hinder activities required for the operation and maintenance of any aid to navigation, without the express written permission of the head of the agency responsible for operating and maintaining the aid to navigation.

(f) **REMEDIES AND REVERSIONARY INTEREST.**—The Naval Reserve Pier property, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if, and only if, the Corporation fails to abide by any of the terms of this section or any agreement entered into under subsection (b), (c), or (d) of this section.

(g) **LIABILITY OF THE PARTIES.**—The liability of the United States and the Corporation for any injury, death, or damage to or loss of property occurring on the leased property shall be determined with reference to existing State or Federal law, as appropriate, and any such liability may not be modified or enlarged by this title or any agreement of the parties.

(h) **EXPIRATION OF AUTHORITY TO CONVEY.**—The authority to convey the Naval Reserve property under this section shall expire 3 years after the date of enactment of this title.

(i) **DEFINITIONS.**—In this section:

(1) **AID TO NAVIGATION.**—The term “aids to navigation” means equipment used for navigational purposes, including but not limited to, a light, antenna, sound signal, electronic navigation equipment, cameras, sensors power source, or other related equipment which are operated or maintained by the United States.

(2) **CORPORATION.**—The term “Corporation” means the Gulf of Maine Aquarium Development Corporation, its successors and assigns.

SEC. 1382. HARBOR SAFETY COMMITTEES.

(a) **STUDY.**—The Coast Guard shall study existing harbor safety committees in the United States to identify—

(1) strategies for gaining successful cooperation among the various groups having an interest in the local port or waterway;

(2) organizational models that can be applied to new or existing harbor safety committees or to prototype harbor safety committees established under subsection (b);

(3) technological assistance that will help harbor safety committees overcome local impediments to safety, mobility, environmental protection, and port security; and

(4) recurring resources necessary to ensure the success of harbor safety committees.

(b) **PROTOTYPE COMMITTEES.**—The Coast Guard shall test the feasibility of expanding the harbor safety committee concept to small and medium-sized ports that are not generally served by a harbor safety committee by establishing 1 or more prototype harbor safety committees. In selecting a location or locations for the establishment of a prototype harbor safety committee, the Coast Guard shall—

(1) consider the results of the study conducted under subsection (a);

(2) consider identified safety issues for a particular port;

(3) compare the potential benefits of establishing such a committee with the burdens the establishment of such a committee would impose on participating agencies and organizations;

(4) consider the anticipated level of support from interested parties; and

(5) take into account such other factors as may be appropriate.

(c) **EFFECT ON EXISTING PROGRAMS AND STATE LAW.**—Nothing in this section—

(1) limits the scope or activities of harbor safety in existence on the date of enactment of this title;

(2) precludes the establishment of new harbor safety committees in locations not se-

lected for the establishment of a prototype committee under subsection (b); or

(3) preempts State law.

(d) **NONAPPLICATION OF FACA.**—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to harbor safety committees established under this section or any other provision of law.

(e) **HARBOR SAFETY COMMITTEE DEFINED.**—In this section, the term “harbor safety committee” means a local coordinating body—

(1) whose responsibilities include recommending actions to improve the safety, mobility, environmental protection, and port security of a port or waterway; and

(2) the membership of which includes representatives of government agencies, maritime labor, maritime industry companies and organizations, environmental groups, and public interest groups.

SEC. 1383. LIMITATION OF LIABILITY OF PILOTS AT COAST GUARD VESSEL TRAFFIC SERVICES.

(a) **IN GENERAL.**—Chapter 23 of title 46, United States Code, is amended by adding at the end the following:

“§2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots

“Any pilot, acting in the course and scope of his duties while at a United States Coast Guard Vessel Traffic Service, who provides information, advice or communication assistance shall not be liable for damages caused by or related to such assistance unless the acts or omissions of such pilot constitute gross negligence or willful misconduct.”.

(b) **CLERICAL AMENDMENT.**—The chapter analysis for chapter 23 of title 46, United States Code, is amended by adding at the end the following:

“2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots”.

SEC. 1384. CONFORMING REFERENCES TO THE FORMER MERCHANT MARINE AND FISHERIES COMMITTEE.

(a) **LAWS CODIFIED IN TITLE 14, UNITED STATES CODE.**—

(1) Section 194(b)(2) of title 14, United States Code, is amended by striking “Merchant Marine and Fisheries” and inserting “Transportation and Infrastructure”.

(2) Section 663 of title 14, United States Code, is amended by striking “Merchant Marine and Fisheries” and inserting “Transportation and Infrastructure”.

(3) Section 664 of title 14, United States Code, is amended by striking “Merchant Marine and Fisheries” and inserting “Transportation and Infrastructure”.

(b) **LAWS CODIFIED IN TITLE 33, UNITED STATES CODE.**—

(1) Section 3(d)(3) of the International Navigational Rules Act of 1977 (33 U.S.C. 1602(d)(3)) is amended by striking “Merchant Marine and Fisheries,” and inserting “Transportation and Infrastructure”.

(2) Section 5004(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2734(2)) is amended by striking “Merchant Marine and Fisheries” and inserting “Transportation and Infrastructure”.

(c) **LAWS CODIFIED IN TITLE 46, UNITED STATES CODE.**—

(1) Section 6307 of title 46, United States Code, is amended by striking “Merchant Marine and Fisheries” and inserting “Transportation and Infrastructure”.

(2) Section 901g(b)(3) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241k(b)(3)) is amended by striking “Merchant Marine and Fisheries” and inserting “Transportation and Infrastructure”.

(3) Section 913(b) of the International Maritime and Port Security Act (46 U.S.C. App. 1809(b)) is amended by striking “Merchant Marine and Fisheries” and inserting “Transportation and Infrastructure”.

SEC. 1385. LONG-TERM LEASE AUTHORITY FOR LIGHTHOUSE PROPERTY.

(a) **IN GENERAL.**—Chapter 17 of title 14, United States Code, is amended by adding at the end a new section 672b to read as follows:

“§672b. Long-term lease authority for lighthouse property

“(a) The Commandant of the Coast Guard may lease to non-Federal entities, including private individuals, lighthouse property under the administrative control of the Coast Guard for terms not to exceed 30 years. Consideration for the use and occupancy of lighthouse property leased under this section, and for the value of any utilities and services furnished to a lessee of such property by the Commandant, may consist, in whole or in part, of non-pecuniary remuneration including, but not limited to, the improvement, alteration, restoration, rehabilitation, repair, and maintenance of the leased premises by the lessee. Section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b) shall not apply to leases issued by the Commandant under this section.

“(b) Amounts received from leases made under this section, less expenses incurred, shall be deposited in the Treasury.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 17 of title 14, United States Code, is amended by adding after the item relating to section 672 the following:

“672b. Long-term lease authority for lighthouse property.”.

SEC. 1386. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS FOR VESSELS.

Section 3132(a)(4) of title 46, United States Code, is amended—

(1) by striking “(A)”; and

(2) by striking subparagraph (B).

SEC. 1387. RADIO DIRECTION FINDING APPARATUS CARRIAGE REQUIREMENT.

The first sentence of section 365 of the Communications Act of 1934 (47 U.S.C. 363) is amended by striking “operators.” and inserting “operators, or with radio direction-finding apparatus.”.

SEC. 1388. WING-IN-GROUND CRAFT.

(a) Section 2101(35) of title 46, United States Code, is amended by inserting “a wing-in-ground craft, regardless of tonnage, carrying at least one passenger for hire, and” after the phrase “‘small passenger vessel’ means”.

(b) Section 2101 of title 46, United States Code, is amended by adding at the end the following:

“(48) wing-in-ground craft means a vessel that is capable of operating completely above the surface of the water on a dynamic air cushion created by aerodynamic lift due to the ground effect between the vessel and the water’s surface.”.

SEC. 1389. DELETION OF THUMBPRINT REQUIREMENT FOR MERCHANT MARINERS’ DOCUMENTS.

Section 7303 of title 46, United States Code, is amended by striking “the thumbprint,”.

SEC. 1390. AUTHORIZATION OF PAYMENT.

(a) **IN GENERAL.**—The Secretary of the Treasury shall pay the sum of \$71,000, out of funds in the Treasury not otherwise appropriated, to the State of Hawaii, such sum being the damages arising out of the June 19, 1997, allision by the United States Coast Guard Cutter RUSH with the ferry pier at Barber’s Point Harbor, Hawaii.

(b) **FULL SETTLEMENT.**—The payment made under subsection (a) is in full settlement of all claims by the State of Hawaii against the United States arising from the June 19, 1997, allision.

SEC. 1391. ADDITIONAL COAST GUARD FUNDING NEEDS AFTER SEPTEMBER 11, 2001.

No later than 90 days after the date of enactment of this title, the Secretary, in consultation with the Director of the Office of

Homeland Security shall submit a report to the Congress that—

(1) compares Coast Guard expenditures by mission area on an annualized basis before and after the terrorist attacks of September 11, 2001;

(2) estimates—

(A) annual funding amounts and personnel levels that would restore all Coast Guard mission areas to the readiness levels that existed before September 11, 2001;

(B) annual funding amounts and personnel levels required to fulfill the Coast Guard's additional responsibilities for port security after September 11, 2001; and

(C) annual funding amounts and personnel levels required to increase law enforcement needs in mission areas other than port security after September 11, 2001;

(3) generally describes the services provided by the Coast Guard to the Department of Defense after September 11, 2001, and states the cost of such services; and

(4) identifies the Federal agency providing funds for those services.

SEC. 1392. REPEAL OF SPECIAL AUTHORITY TO REVOKE ENDORSEMENTS.

Section 503 of the Coast Guard Authorization Act of 1998 (46 U.S.C. 12106 note) is repealed.

SEC. 1393. PREARRIVAL MESSAGES FROM VESSELS DESTINED TO UNITED STATES PORTS.

(a) PREARRIVAL MESSAGE REQUIREMENTS.—Section 4 of the Ports and Waterways Safety Act (33 U.S.C. 1223) is amended—

(1) by striking paragraph (5) of subsection (a) and inserting the following:

(5) “may require the receipt of prearrival messages from any vessel destined for a port or place subject to the jurisdiction of the United States in accordance with subsection (e).”; and

(2) by adding at the end the following:

“(e) PREARRIVAL MESSAGE REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary may require prearrival messages under subsection (a)(5) to provide any information that the Secretary determines is necessary for the control of the vessel and the safety and security of the port, waterways, facilities, vessels, and marine environment, including—

“(A) the route and name of each port and each place of destination in the United States;

“(B) the estimated date and time of arrival at each port or place;

“(C) the name of the vessel;

“(D) the country of registry of the vessel;

“(E) the call sign of the vessel;

“(F) the International Maritime Organization (IMO) international number or, if the vessel does not have an assigned IMO international number, the official number of the vessel;

“(G) the name of the registered owner of the vessel;

“(H) the name of the operator of the vessel;

“(I) the name of the classification society of the vessel;

“(J) a general description of the cargo on board the vessel;

“(K) in the case of certain dangerous cargo—

“(i) the name and description of the dangerous cargo;

“(ii) the amount of the dangerous cargo carried;

“(iii) the stowage location of the dangerous cargo; and

“(iv) the operational condition of the equipment under section 164.35 of title 33, Code of Federal Regulations;

“(L) the date of departure and name of the port from which the vessel last departed;

“(M) the name and telephone number of a 24-hour point of contact for each port included in the notice of arrival;

“(N) the location or position of the vessel at the time of the report;

“(O) a list of crew members on board the vessel including, with respect to each crew member—

“(i) the full name;

“(ii) the date of birth;

“(iii) the nationality;

“(iv) the passport number or mariners document number; and

“(v) the position or duties;

“(P) a list of persons other than crew members on board the vessel including, with respect to each such person—

“(i) the full name;

“(ii) the date of birth;

“(iii) the nationality; and

“(iv) the passport number; and

“(Q) any other information required by the Secretary.

“(2) FORM AND TIME.—The Secretary may require prearrival messages under subsection (a)(5) to be submitted—

“(A) in electronic or other form; and

“(B) to be submitted not later than 96 hours before the vessel's arrival or at such time, as provided in regulations, as the Secretary deems necessary to permit the Secretary to examine thoroughly all information provided.

“(3) INFORMATION NOT SUBJECT TO FOIA.—Section 552 of title 5, United States Code, does not apply to any information submitted under subsection (a)(5).

“(4) ENFORCEMENT OF REQUIREMENT.—The Secretary may deny entry of a vessel into the territorial sea of the United States if the Secretary has not received notification for the vessel in accordance with subsection (a)(5).”

(b) RELATION OF PREARRIVAL MESSAGE REQUIREMENT TO OTHER PROVISION OF LAW.—Section 5 of the Ports and Waterways Safety Act (33 U.S.C. 1224) is amended by adding at the end the following:

“(c) RELATION TO PREARRIVAL MESSAGE REQUIREMENT.—Nothing in this section interferes with the Secretary's authority to require information under section 4(a)(95) before a vessel's arrival in a port or place subject to the jurisdiction of the United States.”.

SEC. 1394. SAFETY AND SECURITY OF PORTS AND WATERWAYS.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended—

(1) by striking “safety and protection of the marine environment” in section 2(a) (33 U.S.C. 1221(a)) and inserting “safety, protection of the marine environment, and safety and security of United States ports and waterways”; and

(2) by striking “safety and protection of the marine environment,” in section 5(a) (33 U.S.C. 1224(a)) and inserting “safety, protection of the marine environment, and the safety and security of United States ports and waterways.”.

SEC. 1395. ADMINISTRATIVE WAIVER.

The yacht EXCELLENCE III, hull identification number HQZ00255K101, is deemed to be an eligible vessel within the meaning of section 504(2) of the Coast Guard Authorization Act of 1998 (46 U.S.C. 12106 nt).

AMENDMENTS SUBMITTED AND PROPOSED—JUNE 21, 2002

SA 3952. Mr. NELSON, of Florida (for himself, Mr. MCCAIN, Mr. CLELAND, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy,

to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 3953. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 2514, supra.

SA 3954. Mr. LEVIN (for Mr. NELSON, of Florida (for himself and Mr. ALLARD)) proposed an amendment to the bill S. 2514, supra.

SA 3955. Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to the bill S. 2514, supra.

SA 3956. Mr. LEVIN (for Mr. AKAKA (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 2514, supra.

SA 3957. Mr. LEVIN (for Mr. AKAKA (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 2514, supra.

SA 3958. Mr. LEVIN (for Mr. AKAKA (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 2514, supra.

SA 3959. Mr. LEVIN (for Mr. AKAKA (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 2514, supra.

SA 3960. Mr. LEVIN (for Mr. AKAKA (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 2514, supra.

SA 3961. Mr. LEVIN (for Mrs. CLINTON (for herself and Mr. SCHUMER)) proposed an amendment to the bill S. 2514, supra.

SA 3962. Mr. SARBANES submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3963. Mrs. FEINSTEIN (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3964. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3965. Mr. THOMPSON (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3952. Mr. NELSON of Florida (for himself, Mr. MCCAIN, Mr. CLELAND, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1065. DISCLOSURE OF INFORMATION ON SHIPBOARD HAZARD AND DEFENSE PROJECT TO DEPARTMENT OF VETERANS AFFAIRS.

(a) PLAN FOR DISCLOSURE OF INFORMATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress and the Secretary of Veterans Affairs a comprehensive plan for the review, declassification, and submittal to the Department of Veterans Affairs of all medical records and information of the Department of Defense on the Shipboard Hazard and Defense (SHAD) project of the Navy that are relevant to the provision of benefits by the Secretary of Veterans Affairs to members of the Armed Forces who participated in that project.

(b) **PLAN REQUIREMENTS.**—(1) The records and information covered by the plan under subsection (a) shall be the records and information necessary to permit the identification of members of the Armed Forces who were or may have been exposed to chemical or biological agents as a result of the Shipboard Hazard and Defense project.

(2) The plan shall provide for completion of all activities contemplated by the plan not later than one year after the date of the enactment of this Act.

(c) **REPORTS ON IMPLEMENTATION.**—(1) Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until completion of all activities contemplated by the plan under subsection (a), the Secretary of Defense shall submit to Congress and the Secretary of Veterans Affairs a report on progress in the implementation of the plan during the 90-day period ending on the date of such report.

(2) Each report under paragraph (1) shall include, for the period covered by such report—

- (A) the number of records reviewed;
- (B) each test, if any, under the Shipboard Hazard and Defense project identified during such review;
- (C) for each test so identified—
 - (i) the test name;
 - (ii) the test objective;
 - (iii) the chemical or biological agent or agents involved; and
 - (iv) the number of members of the Armed Forces, and civilian personnel, potentially effected by such test; and
- (D) the extent of submittal of records and information to the Secretary of Veterans Affairs under this section.

SA 3953. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 90, between lines 19 and 20, and insert the following:

SEC. 346. TWO-YEAR EXTENSION OF AUTHORITY OF THE SECRETARY OF DEFENSE TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES ABROAD.

Section 431(a) of title 10, United States Code, is amended by striking “December 31, 2002” in the second sentence and inserting “December 31, 2004”.

SA 3954. Mr. LEVIN (for Mr. NELSON of Florida (for himself and Mr. ALLARD)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title I, add the following:

SEC. 135. SENSE OF CONGRESS REGARDING ASSURED ACCESS TO SPACE.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Assured access to space is a vital national security interest of the United States.

(2) The Evolved Expendable Launch Vehicle program of the Department of Defense is a critical element of the Department's plans for assuring United States access to space.

(3) Significant contractions in the commercial space launch marketplace have eroded the overall viability of the United States space launch industrial base and could hamper the ability of the Department of Defense to provide assured access to space in the future.

(4) The continuing viability of the United States space launch industrial base is a critical element of any strategy to ensure the long-term ability of the United States to assure access to space.

(5) The Under Secretary of the Air Force, as acquisition executive for space programs in the Department of Defense, has been authorized to develop a strategy to address United States space launch and assured access to space requirements.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the Under Secretary of the Air Force should—

- (1) evaluate all options for sustaining the United States space launch industrial base;
- (2) develop an integrated, long-range, and adequately funded plan for assuring United States access to space; and
- (3) submit to Congress a report on the plan at the earliest opportunity practicable.

SA 3955. Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2829. LAND CONVEYANCE, FORT HOOD, TEXAS.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration, to the Veterans Land Board of the State of Texas (in this section referred to as the “Board”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 174 acres at Fort Hood, Texas, for the purpose of permitting the Board to establish a State-run cemetery for veterans.

(b) **REVERSIONARY INTEREST.**—(1) If at the end of the five-year period beginning on the date of the conveyance authorized by subsection (a), the Secretary determines that the property conveyed under that subsection is not being used for the purpose specified in that subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(2) Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) **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. The cost of the survey shall be borne by the Board.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 3955. Mr. LEVIN (for Mr. AKAKA) (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title XXIII, add the following:

SEC. 2305. AUTHORITY FOR USE OF MILITARY CONSTRUCTION FUNDS FOR CONSTRUCTION OF PUBLIC ROAD NEAR AVIANO AIR BASE, ITALY, CLOSED FOR FORCE PROTECTION PURPOSES.

(a) **AUTHORITY TO USE FUNDS.**—The Secretary of the Air Force may, using amounts authorized to be appropriated by section 2301(b), carry out a project to provide a public road, and associated improvements, to replace a public road adjacent to Aviano Air Base, Italy, that has been closed for force protection purposes.

(b) **SCOPE OF AUTHORITY.**—(1) The authority of the Secretary to carry out the project referred to in subsection (a) shall include authority as follows:

- (A) To acquire property for the project for transfer to a host nation authority.
- (B) To provide funds to a host nation authority to acquire property for the project.
- (C) To make a contribution to a host nation authority for purposes of carrying out the project.
- (D) To provide vehicle and pedestrian access to landowners effected by the project.

(2) The acquisition of property using authority in subparagraph (A) or (B) of paragraph (1) may be made regardless of whether or not ownership of such property will vest in the United States.

(c) **INAPPLICABILITY OF CERTAIN REAL PROPERTY MANAGEMENT REQUIREMENT.**—Section 2672(a)(1)(B) of title 10, United States Code, shall not apply with respect to any acquisition of interests in land for purposes of the project authorized by subsection (a).

SA 3957. Mr. LEVIN (for Mr. AKAKA) (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

In the first table in section 2702(b), insert after the item relating to Tinker Air Force Base, Oklahoma, the following:

Texas	Lackland Air Force Base	Dormitory	\$5,300,000
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SA 3958. Mr. LEVIN (for Mr. AKAKA (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows;

On page 336, beginning on line 10, strike "188 housing units" and insert "133 housing units".

SA 3959. Mr. LEVIN (for Mr. AKAKA (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows;

In the table in section 2101(b), strike the item relating to Landstuhl, Germany, and insert the following new item:

	Landstuhl	\$2,400,000
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In the table in section 2101(b), strike the item relating to Camp Walker, Korea, and insert the following new item:

	Camp Henry ...	\$10,200,000
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SA 3960. Mr. LEVIN (for Mr. AKAKA (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title XXI, add the following:
SEC. 2109. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECT.

The table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106-398; 114 Stat. 1654A-390) is amended by striking "Camp Page" in the installation or location column and inserting "Camp Stanley".

SA 3961. Mr. LEVIN (for Mrs. CLINTON (for herself and Mr. SCHUMER)) proposed an amendment to the bill S. 2514 to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title XXVIII, add the following:

SEC. 2803. MODIFICATION OF LEASE AUTHORITIES UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) LEASING OF HOUSING.—Subsection (a) of section 2874 of title 10, United States Code, is amended to read as follows:

"(a) LEASE AUTHORIZED.—(1) The Secretary concerned may enter into contracts for the lease of housing units that the Secretary determines are suitable for use as military family housing or military unaccompanied housing.

"(2) The Secretary concerned shall utilize housing units leased under paragraph (1) as military family housing or military unaccompanied housing, as appropriate."

(b) REPEAL OF INTERIM LEASE AUTHORITY.—Section 2879 of such title is repealed.

(c) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading for section 2874 of such title is amended to read as follows:

"§ 2874. Leasing of housing".

(2) The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended—

(A) by striking the item relating to section 2874 and inserting the following new item:

"2874. Leasing of housing."; and

(B) by striking the item relating to section 2879.

SA 3962. Mr. SARBANES submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1065. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

"CHAPTER 1201—[RESERVED]"; and

(2) by inserting the following:

"CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

"Sec.

"120101. Organization.

"120102. Purposes.

"120103. Membership.

"120104. Governing body.

"120105. Powers.

"120106. Restrictions.

"120107. Duty to maintain corporate and tax-exempt status.

"120108. Records and inspection.

"120109. Service of process.

"120110. Liability for acts of officers and agents.

"120111. Annual report.

"§ 120101. Organization

"(a) FEDERAL CHARTER.—Korean War Veterans Association, Incorporated (in this chapter, the 'corporation'), incorporated in the State of New York, is a federally chartered corporation.

"(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) expires.

"§ 120102. Purposes

"The purposes of the corporation are as provided in its articles of incorporation and include—

"(1) organizing, promoting, and maintaining for benevolent and charitable purposes an association of persons who have seen honorable service in the Armed Forces during the Korean War, and of certain other persons;

"(2) providing a means of contact and communication among members of the corporation;

"(3) promoting the establishment of, and establishing, war and other memorials commemorative of persons who served in the Armed Forces during the Korean War; and

"(4) aiding needy members of the corporation, their wives and children, and the widows and children of persons who were members of the corporation at the time of their death.

"§ 120103. Membership

"Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

"§ 120104. Governing body

"(a) BOARD OF DIRECTORS.—The board of directors of the corporation, and the responsibilities of the board of directors, are as provided in the articles of incorporation of the corporation.

"(b) OFFICERS.—The officers of the corporation, and the election of the officers of the corporation, are as provided in the articles of incorporation.

"§ 120105. Powers

"The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

"§ 120106. Restrictions

"(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

"(b) POLITICAL ACTIVITIES.—The corporation, or a director or officer of the corporation as such, may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

"(c) LOAN.—The corporation may not make a loan to a director, officer, or employee of the corporation.

"(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval, or the authority of the United States, for any of its activities.

"§ 120107. Duty to maintain corporate and tax-exempt status

"(a) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the State of New York.

"(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

"§ 120108. Records and inspection

"(a) RECORDS.—The corporation shall keep—

"(1) correct and complete records of account;

"(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

"(3) at its principal office, a record of the names and addresses of its members entitled to vote on matters relating to the corporation.

"(b) INSPECTION.—A member entitled to vote on matters relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

"§ 120109. Service of process

"The corporation shall have a designated agent in the District of Columbia to receive

service of process for the corporation. Notice to or service on the agent is notice to or service on the Corporation.

“§ 120110. Liability for acts of officers and agents

“The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

“§ 120111. Annual report

“The corporation shall submit an annual report to Congress on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by striking the item relating to chapter 1201 and inserting the following new item:

“1201. Korean War Veterans Association, Incorporated120101”.

SA 3963. Mrs. FEINSTEIN (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, after line 23, insert the following.

SEC. 226. LIMITATION ON USE OF FUNDS FOR NON-CLEAR ARMED INTERCEPTORS.

None of the funds authorized to be appropriated by this or any other Act may be used for research, development, test, evaluation, procurement, or deployment of nuclear armed interceptors of a missile defense system.

SA 3964. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, after line 23, insert the following:

SEC. 226. OPERATIONAL TEST AND EVALUATION OF SYSTEMS BEFORE DEPLOYMENT.

It is the sense of Congress that the United States should not deploy a national missile defense system until—

(1) operational tests of a fully integrated version of the system have been conducted utilizing realistic test parameters; and

(2) the operational tests have demonstrated, in a manner consistent with the provisions of section 2399 of title 10, United States Code, that the system, whether part of a fully integrated system or an emergency deployment, is operationally effective and suitable for use in combat.

SA 3965. Mr. THOMPSON (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appro-

priations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1035. BIENNIAL REPORTS ON CONTRIBUTIONS TO PROLIFERATION OF WEAPONS OF MASS DESTRUCTION AND DELIVERY SYSTEMS BY COUNTRIES OF PROLIFERATION CONCERN.

(a) REPORTS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the President shall submit to Congress a report identifying each foreign person that, during the six-month period ending on the date of such report, made a material contribution to the development by a country of proliferation concern of—

(1) nuclear, biological, or chemical weapons; or

(2) ballistic or cruise missile systems.

(b) FORM OF SUBMITTAL.—(1) A report under subsection (a) may be submitted in classified form, whether in whole or in part, if the President determines that submittal in that form is advisable.

(2) Any portion of a report under subsection (a) that is submitted in classified form shall be accompanied by an unclassified summary of such portion.

(c) DEFINITIONS.—In this section:

(1) The term “foreign person” means—

(A) a natural person that is an alien;

(B) a corporation, business association, partnership, society, trust, or any other non-governmental entity, organization, or group that is organized under the laws of a foreign country or has its principal place of business in a foreign country;

(C) any foreign governmental entity operating as a business enterprise; and

(D) any successor, subunit, or subsidiary of any entity described in subparagraph (B) or (C).

(2) The term “country of proliferation concern” means any country identified by the Director of Central Intelligence as having engaged in the acquisition of dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear, chemical, and biological weapons) and advanced conventional munitions in the most current report under section 721 of the Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (title VII of Public Law 104-293; 50 U.S.C. 2366), or any successor report on the acquisition by foreign countries of dual-use and other technology useful for the development or production of weapons of mass destruction.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CARPER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on “Avoiding the Summer Slide: The Importance of Summer School to Student Achievement and Well Being” during the session of the Senate on Friday, June 21, 2002, at 9:30 a.m. in SD-430.

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

SUBCOMMITTEE ON IMMIGRATION

Mr. CARPER. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration be authorized to meet to conduct a hearing on “Examining the Plight of Refugees: The Case of North Korea” on Friday, June 21, 2002, at 10 a.m. in Dirksen 226.

Agenda

Witnesses

Panel 1: The Honorable Arthur Dewey, Assistant Secretary of State for the Bureau of Population, Refugees, and Migration, Department of State, Washington, DC.

Panel 2: Soon Ok Lee, North Korean prison camp survivor, Seoul, South Korea; Helie Lee, West Hollywood, California; and Norbert Vollertsen, M.D., Seoul, South Korea.

Panel 3: Felice D. Gaer, Chairwoman of the Commission on International Religious Freedom, Washington DC; Debra Liang-Fenton, Vice Chairman, U.S. Committee on Human Rights in North Korea, Minneapolis, Minnesota; Jana Mason, Asian Policy Analyst, U.S. Committee on Refugees, Washington, DC; and Elisa Massimino, Lawyers Committee for Human Rights, Washington, DC.

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

PRIVILEGE OF THE FLOOR

Mr. REID. Madam President, I ask unanimous consent that Matthew Green, a fellow in Senator FEINSTEIN’s office, be granted floor privileges for the duration of the consideration of S. 2514, the fiscal year 2003 Defense authorization bill.

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

ORDER FOR RECORD TO REMAIN OPEN UNTIL 1:30 TODAY

Mr. REID. Madam President, I ask unanimous consent that the record remain open today until 1:30, notwithstanding the adjournment of the Senate, for the submission of statements and introduction of legislation.

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

SUPPORT OF AMERICAN EAGLE SILVER BULLION PROGRAM ACT

Mr. REID. Madam President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 2594, and that the Senate proceed to its immediate consideration.

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

The clerk will state the bill by title. The assistant legislative clerk read as follows:

A bill (S. 2594) to authorize the Secretary of the Treasury to purchase silver on the

open market when the silver stockpile is depleted, to be used to mint coins.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, Senator CRAPO is not in the Chamber. Circumstances don't allow him to be here. This is something on which he has worked very hard. I want the RECORD to be very clear that this legislation could not have passed without his advocacy. He and I have worked on it for some time. It is important legislation. I want to make sure the RECORD is spread with the fact that Senator CRAPO has been very instrumental in this effort.

I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD, all without intervening action or debate.

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

The bill (S. 2594) was read the third time and passed, as follows:

S. 2594

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 "Support of American Eagle Silver Bullion Program Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the American Eagle Silver Bullion coin leads the global market, and is the largest and most popular silver coin program in the United States;

(2) established in 1986, the American Eagle Silver Bullion Program is the most successful silver bullion program in the world;

(3) from fiscal year 1995 through fiscal year 2001, the American Eagle Silver Bullion Program generated—

(A) revenues of \$264,100,000; and

(B) sufficient profits to significantly reduce the national debt;

(4) with the depletion of silver reserves in the Defense Logistic Agency's Strategic and Critical Materials Stockpile, it is necessary for the Department of the Treasury to acquire silver from other sources in order to preserve the American Eagle Silver Bullion Program;

(5) with the ability to obtain silver from other sources, the United States Mint can continue the highly successful American Eagle Silver Bullion Program, exercising sound business judgment and market acquisition practices in its approach to the silver market, resulting in continuing profitability of the program;

(6) in 2001, silver was commercially produced in 12 States, including, Alaska, Arizona, California, Colorado, Idaho, Missouri, Montana, Nevada, New Mexico, South Dakota, Utah, and Washington;

(7) Nevada is the largest silver producing State in the Nation, producing—

(A) 17,500,000 ounces of silver in 2001; and

(B) 34 percent of United States silver production in 2000;

(8) the mining industry in Idaho is vital to the economy of the State, and the Silver Valley in northern Idaho leads the world in recorded silver production, with over 1,100,000,000 ounces of silver produced between 1884 and 2001;

(9) the largest, active silver producing mine in the Nation is the McCoy/Cove Mine

in Nevada, which produced more than 107,000,000 ounces of silver between 1989 and 2001;

(10) the mining industry in Idaho—

(A) employs more than 3,000 people;

(B) contributes more than \$900,000,000 to the Idaho economy; and

(C) produces \$70,000,000 worth of silver per year;

(11) the silver mines of the Comstock lode, the premier silver producing deposit in Nevada, brought people and wealth to the region, paving the way for statehood in 1864, and giving Nevada its nickname as "the Silver State";

(12) mines in the Silver Valley—

(A) represent an important part of the mining history of Idaho and the United States; and

(B) have served in the past as key components of the United States war effort; and

(13) silver has been mined in Nevada throughout its history, with every significant metal mining camp in Nevada producing some silver.

SEC. 3. PURCHASE OF SILVER BY THE SECRETARY OF THE TREASURY.

(a) PURCHASE OF SILVER.—

(1) IN GENERAL.—Section 5116(b)(2) of title 31, United States Code, is amended by inserting after the second sentence the following: "At such time as the silver stockpile is depleted, the Secretary shall obtain silver as described in paragraph (1) to mint coins authorized under section 5112(e). If it is not economically feasible to obtain such silver, the Secretary may obtain silver for coins authorized under section 5112(e) from other available sources. The Secretary shall not pay more than the average world price for silver under any circumstances. As used in this paragraph, the term 'average world price' means the price determined by a widely recognized commodity exchange at the time the silver is obtained by the Secretary."

(2) RULEMAKING AUTHORITY.—The Secretary of the Treasury shall issue regulations to implement the amendments made by paragraph (1).

(b) STUDY REQUIRED.—

(1) STUDY.—The Secretary of the Treasury shall conduct a study of the impact on the United States silver market of the American Eagle Silver Bullion Program, established under section 5112(e) of title 31, United States Code.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall submit a report of the study conducted under paragraph (1) to the chairman and ranking minority member of—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Financial Services of the House of Representatives.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—The Director of the United States Mint shall prepare and submit to Congress an annual report on the purchases of silver made pursuant to this Act and the amendments made by this Act.

(2) CONCURRENT SUBMISSION.—The report required by paragraph (1) may be incorporated into the annual report of the Director of the United States Mint on the operations of the mint and assay offices, referred to in section 1329 of title 44, United States Code.

ORDERS FOR MONDAY, JUNE 24, 2002

Mr. REID. Madam President, I ask unanimous consent that, when the Senate completes its business today, it adjourn until 3 p.m., Monday, June 24;

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 the Senate be in a period for morning business until 4 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or their designees; that at 4 p.m., the Senate resume consideration of the Department of Defense authorization bill, with Senator SMITH of New Hampshire or his designee recognized to offer his amendment regarding abaya.

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

PROGRAM

Mr. REID. Madam President, a vote is expected on Monday at 5:45 p.m. Everyone should know that. The leader has indicated he would like to have more than one vote. We will have at least one vote at approximately 5:45 p.m.

ADJOURNMENT UNTIL 3 P.M., MONDAY, JUNE 24, 2002

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 12:50 p.m., adjourned until Monday, June 24, 2002, at 3 p.m.

NOMINATIONS

Executive nominations received by the Senate June 21, 2002:

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE DEPARTMENT OF STATE FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

DEBORAH C. RHEA, OF VIRGINIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

JOHN S. LARKIN II, OF TEXAS

DEPARTMENT OF STATE

BRIDGETTE SARAH ANDERSON, OF TEXAS
DICK ANDREWS, OF COLORADO
GEOFFREY ANISMAN, OF NEW YORK
EVE KATHLEEN BAKER, OF CALIFORNIA
WENDY K. BARTON, OF NEVADA
JENNIFER M. BARTSCH, OF GEORGIA
BARBARA ANNE BARTSCH-ALLEN, OF TEXAS
GREGORY D. BATES, OF FLORIDA
ELIAS STEPHEN BAUMANN, OF VERMONT
JONATHAN RECTOR BAYAT, OF THE DISTRICT OF COLUMBIA
THOMAS J. BELNOMI, OF PENNSYLVANIA
JUSTIN DAVID BERG, OF VIRGINIA
MOULIK D. BERKANA, OF NEW YORK
TRACEY BERRY, OF VIRGINIA
THOMAS J. BELLARD, OF MARYLAND
GEORGE W. BIOLSI, OF VIRGINIA
MELISSA A. BISHOP, OF CALIFORNIA
CHERYL BODKE, OF NEW JERSEY
HELGE PHILIPP BOES, OF VIRGINIA

JEFFREY D. BORENSTEIN, OF VIRGINIA
 SUSAN P. BOWMAN, OF VIRGINIA
 ROBERT J. BRENNAN, OF FLORIDA
 ALEXANDER THADDEUS BRYAN, OF GEORGIA
 CRAIG E. BUCHANAN, OF VIRGINIA
 ALFRED T. CANAHUATE, OF MARYLAND
 THOMAS S. CARNEGIE, OF VIRGINIA
 JANE H. CARPENTER, OF MARYLAND
 ADAM M. CENTER, OF VIRGINIA
 MATTHEW A. CENZER, OF ILLINOIS
 ANGELA MARIA CERVETTI SAAVEDRA, OF VIRGINIA
 DAN CINTRON, OF NEW YORK
 MELISSA ROSS CLINE, OF NEW YORK
 ANDREW K. COVINGTON, OF VIRGINIA
 FLEUR S. COWAN, OF THE DISTRICT OF COLUMBIA
 JOSEPH L. CROOK, OF WASHINGTON
 BROOKE E. DEMONTLUZIN, OF LOUISIANA
 LAURIE R. DORAN, OF VIRGINIA
 TODD E. DURAN, OF TEXAS
 TODD DAVIS EBITZ, OF MARYLAND
 KATHERINE L. ESTES, OF FLORIDA
 ERIN K. EUSSEN, OF VIRGINIA
 MATTHEW M. EUSSEN, OF VIRGINIA
 DEBORAH L. FAYDASH, OF MARYLAND
 MARY SUE FIELDS, OF VIRGINIA
 SALLY E. FLAGLER, OF VIRGINIA
 MATTHEW J. FLANNIGAN, OF KANSAS
 COLIN P. FURST, OF VIRGINIA
 JEANNE M. GALLO, OF VIRGINIA
 ROBIN R. GAUL, OF VIRGINIA
 BRENNAN MICHAEL GILMORE, OF VIRGINIA
 MARY ELIZABETH GLANTZ, OF PENNSYLVANIA
 ROBERT L. GONZALES, OF TEXAS
 STEPHANIE C. GOODNIGHT, OF GEORGIA
 BRIAN C. GRUBE, OF VIRGINIA
 ZACHARY V. HARKENRIDER, OF NEW YORK
 ELIZABETH J. HARRIS, OF TEXAS
 WINSTEAD E. HARRIS, OF VIRGINIA
 JOHN S. HELBIG, OF VIRGINIA
 PATRICK F. HENNEBERY, OF NEW JERSEY
 WILLIAM E. HERZOG, OF ILLINOIS
 JAMES J. HOGAN III, OF CALIFORNIA
 JAMES ARLEN HOLT, OF NORTH CAROLINA
 ELIZABETH E. JAFFEE, OF VIRGINIA
 MATTHEW RALPH JOHNSON, OF ALABAMA
 CHRISTOPHER JOSEPH, OF VIRGINIA
 DAVID M. JUNG, OF VIRGINIA
 YVONNE M. KEELER, OF VIRGINIA
 SHERRY C. KENESON-HALL, OF RHODE ISLAND
 NICHOLAS G. KIKIS, OF VIRGINIA
 JOEL A. KOPP, OF ALASKA
 PATRICIA A. KRAVOS, OF VIRGINIA
 THOMAS M. KREUTZER, OF WASHINGTON
 MICHELLE D. KUNY, OF VIRGINIA
 BARBARA M. LAZARD, OF TEXAS
 KEVIN D. LEWIS, OF TEXAS
 GENEVIEVE LIBONATI, OF MARYLAND
 Y. V. LIMAYE, OF PENNSYLVANIA
 RICHARD N. LYONS III, OF COLORADO
 ELIZABETH M. MACDONALD, OF CONNECTICUT
 STACY DEE MACTAGGERT, OF WISCONSIN
 LESLIE ANN MALZ, OF ILLINOIS
 GREGORY RAGAN MARCUS, OF FLORIDA
 NICOLE M. MARTIN, OF FLORIDA
 MARISSA MAURER, OF MARYLAND
 JEFFREY W. MAZUR, OF WISCONSIN
 ROBERT HAYNES MCCUTCHEON III, OF VIRGINIA
 DAVID CHRISTIAN MCFARLAND, OF TEXAS
 ROBERT AARON MCINTURFF, OF VIRGINIA
 LANCE T. MEEKS, OF THE DISTRICT OF COLUMBIA
 GARRETT D. MELICH, OF VIRGINIA
 JENNIFER TERESE MERGY, OF CALIFORNIA
 JAMES W. MOON IV, OF SOUTH CAROLINA
 KRISTINA MOORE, OF ARIZONA
 MATTHEW JAMES MUCHER, OF VIRGINIA
 ELIZABETH ANN MURPHY, OF PENNSYLVANIA
 KEVIN MARCUS MURPHY, OF MASSACHUSETTS
 JOSEPH MUSCARI, OF VIRGINIA
 PAUL FRANCIS NARAIN, OF MARYLAND
 ELEFTHERIOS E. NETOS, OF INDIANA
 THOMAS ALFRED O'KEEFE III, OF VIRGINIA
 RICHARD PACHECO, PACHECO JR., OF VIRGINIA
 CYNTHIA F. PASCALE, OF THE DISTRICT OF COLUMBIA
 ELIZABETH A. PELLETTREAU, OF MASSACHUSETTS
 RAFAEL ANTONIO PEREZ, OF FLORIDA
 SUZANNE PICKENS, OF VIRGINIA
 JEFFREY L. PILGREEN, OF WASHINGTON
 TIMOTHY F. PONCE, OF FLORIDA
 ANDREW PRATER, OF MISSOURI
 GAUTAM A. RANA, OF NEW JERSEY
 TIMOTHY JOE RELK, OF IDAHO
 JAMES P. ROSELL, OF MARYLAND
 KEITH J. RUSSELL, OF VIRGINIA
 JOAN P. SHAKER, OF VIRGINIA
 COLIN SHAUGHNESSY, OF THE DISTRICT OF COLUMBIA
 J. TIMOTHY SINGER, OF VIRGINIA
 SCOTT E. SMITH II, OF VIRGINIA

JENNIFER S.P. SPANDE, OF VIRGINIA
 VINCENT D. SPERA, OF MARYLAND
 W. BROOKE STALLSMITH, OF VIRGINIA
 TERRY STERRS-GONZALEZ, OF TEXAS
 RICHARD E. SWART III, OF NEW JERSEY
 HOLLY LINDQUIST THOMAS, OF MINNESOTA
 BENJAMIN A. THOMSON, OF UTAH
 STERLING DAVID TILLEY JR., OF FLORIDA
 ROBIN A. WATSON, OF VIRGINIA
 SCOTT E. WOODARD, OF VIRGINIA
 JOHN A. WOODLAND, OF MARYLAND
 RICHARD EUGENE WURTZ, OF VIRGINIA
 PATRICIA A. ZAREMBKA, OF VIRGINIA

SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ASHLEY J. TELLIS, OF VIRGINIA

CONSULAR OFFICER OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

DENIS P. COLEMAN JR., OF FLORIDA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

DEAN B. WOODEN, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

VICTORIA A. COFFINEAU, OF NEW YORK

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE AND COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

LAURA R. ADAME, OF VIRGINIA
 WORTH SHIPLEY ANDERSON, OF VIRGINIA
 ERIN PATRICIA ANNA, OF COLORADO
 THOMAS F. ARDILLO, OF MARYLAND
 JOHN M. ASHWORTH, OF TEXAS
 KURT W. AUFDERHEIDE, OF CALIFORNIA
 NORMAN H. BARTH, OF CALIFORNIA
 HEIDI BEYER BARTLETT, OF ALABAMA
 MICHAEL JUSTIN BELGRADE, OF MARYLAND
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 BRIAN J. FOUSS, OF COLORADO
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 ELISA BETH GREENE, OF NEVADA
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 CATHERINE VIAL, OF THE DISTRICT OF COLUMBIA
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