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Senate

The Senate met at 9 a.m., and was called to order by the Honorable JON S. CORZINE, a Senator from the State of New Jersey.

PRAYER

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

Almighty God, as we seek Your grace as healing for our grief-filled hearts, we reaffirm some very powerful presuppositions about You and Your providential care for Your creation. Strengthen our conviction that You do not cause tragedies. We dismiss that false question, "Where was God in the midst of the tragic terrorist attack?" You were with us giving us courage and hope. You created humankind: to know, to love, and to serve You. We reverently reflect on what must have been Your most crucial decision when You created humankind: You gave us freedom of choice, knowing that there can be no response of love without choice, but also that humankind would abuse this freedom. There is an objective force of evil in the world that often has been expressed through people, and movements, and nations. Heinous acts happen. You are not dissuaded. You suffer with us, and, with ways we could not plan, bring good out of evil. Not even death can separate us from You. This life is but a small part of the whole of eternity. In the midst of our anguish over those who died in Tuesday's tragedies, remind us of the shortness of time and the length of eternity. Make us communicators of love and strength to those who continue to suffer in the grim aftermath of terrorism. Bless the Senators and the entire Senate family with a fresh gift of faith to trust You and a renewed assurance that, "though the wrong seems oft so strong, You are the ruler yet!" Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON S. CORZINE 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, September 14, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON S. CORZINE, a Senator from the State of New Jersey, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. DASCHLE. I thank the Chair.

SCHEDULE

Mr. DASCHLE. Mr. President, for the information of all Senators, there will be caucuses held by both parties at 9:15 a.m. today. As soon as the caucuses have completed their deliberations, we will enter into morning business for a period of time. My hope and my expectation is that we will take up both the supplemental appropriations bill, as well as the resolution having to do

with the circumstances we are facing in providing the President with additional authority. That resolution, as well as the supplemental appropriations bill, will be the subject of deliberation and debate today, perhaps tomorrow. The House of Representatives has indicated they will be in session tomorrow to take up the resolution.

It is my hope that perhaps we might be able to complete our work today, but until I have had the opportunity to consult more with the Republican leader, I am unable to make any more definitive judgment about the time it will take to complete our work on both of these matters. We were negotiating late into the evening last night. I thank all of those who participated.

We concluded our work successfully after midnight last night. We will now be in a position to take up the supplemental appropriations bill. I will consult with the chairman of the Appropriations Committee, the ranking member, as well as the Republican leader, as we consider just what the sequence will be throughout the day.

There will be rollcalls. We are unclear about the timing of those rollcalls or whether or not a Saturday session may be required. I call attention to that expectation.

I also remind Senators that there is a memorial service at the National Cathedral at noon. While the more optimistic view is that we could perhaps begin boarding buses as early as 10 o'clock to accommodate logistics and security, it may be that we will be boarding a little later than that in order to accommodate whatever other considerations in the schedule there will be this morning.

I remind Senators that there will be a need to board buses sometime, I would say, at least prior to 11 o'clock, but we will make more definitive announcements with regard to boarding the buses as well as the specific schedule in the time ahead.

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



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BABY GRACE

Also, Mr. President, in what has been a very dark hour for this country and for this institution, it is hard to find anything for which we can celebrate, but we can celebrate this morning. Senator DODD and his wife Jackie had a baby girl last night. Her name is Grace. She is 7 pounds. They are doing well. I congratulate Senator DODD, Jackie, and welcome Grace into this world of ours.

MEASURES PLACED ON THE CALENDAR—H.R. 2291 AND H.R. 2833

Mr. DASCHLE. Mr. President, I understand that the following bills are at the desk, having been read the first time: H.R. 2291 and H.R. 2833. I ask unanimous consent that it be in order, en bloc, for these two bills to receive a second reading, and I would then object to any further consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The bills will be placed on the calendar.

Mr. DASCHLE. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask the majority leader, am I correct that after the caucuses, there will be a short period of time for morning business, or do we know for sure?

Mr. DASCHLE. I respond to the Senator from Minnesota, there probably will be some time, but we will be in morning business at least for another 15 minutes.

Mr. WELLSTONE. This morning.

Mr. DASCHLE. This morning.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I have 5 minutes—I do not intend to take any more than that—in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MINNESOTANS MOBILIZE

Mr. WELLSTONE. Mr. President, I thank the Chair. My congratulations to CHRIS and Jackie on the birth of their daughter.

Mr. President, there are many times to speak in this Chamber. Today I speak from the Senate floor to make the remarks of one Senator from Minnesota part of our historical record. The Senator from South Dakota is right, it is a very somber time. The unthinkable happened.

We have witnessed the slaughter of parents and their kids. I want to talk about this in the following way: First of all, it sounds so political to do this, but I want to thank the people of Minnesota for mobilizing the way they have mobilized: the blood banks, the offers of assistance, the prayers. Nothing could be more important.

As a Senator from New Jersey, as someone who worked in the World Trade Center, the Chair has probably a more direct understanding of the agony

and the hell of so many families, but I am very proud that the people of Minnesota, in every way possible, are there for support.

This represents the best in our country. I say this because I want to say, drawing on the Minnesota example, that I do not want to let these terrorists ever take away from us as Americans the greatness of our country, including the values by which we live. I am talking about the civil liberties of Americans, and I am talking about the freedom that is so important to each and every one of us.

I say this as well because unlike these terrorists who slaughtered parents and kids, let us be clear, as we pass a resolution and move forward, that when we respond, our intention is to target the people that are responsible for this. Unlike these terrorists and what they did to Americans, we care about innocent civilians. We care about parents and kids.

Our effort must be focused on the people who are responsible, their network, their organizations. Our greatness, even in carrying out military action, is always to do everything we can to make sure innocent people do not lose their lives.

These are our values. This is what we are about. Whether it be how we now conduct ourselves as a nation, or the kind of military action that we are going to be taking, we will never let these terrorists take away from us what has made our country great.

As the son of a Jewish immigrant who fled persecution from Russia, I have always cherished our freedoms, and I always will. I hold that dear, and I believe that Americans hold it dear. As the son of a Jewish immigrant who fled persecution from Russia, I have always believed the greatness of our country is the value we place on human life. I am not responding to anybody's particular comments. But of course we will always care and make sure that to the maximum extent possible there will not be loss of lives of innocent people, wherever they live. That is what we are about.

Our effort is going to be targeted to these terrorists, targeted to their organization, targeted to their infrastructure. As many people have written in the papers, as Tom Friedman said today in the New York Times, which was right on the mark, and as I think Secretary Powell has been trying to say, our efforts will not be a single action, and may not be done right away. It is going to be a long, difficult struggle. I believe people in our country and in Minnesota are united in this, but we need to do this the smart way. We need to do this the right way.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to, and at 9:16 a.m. the Senate recessed subject to the call of the Chair and reassembled at 10:16 a.m. when called to order by the Presiding Officer (Mr. BAYH).

The PRESIDING OFFICER (Mr. BAYH). The majority leader is recognized.

ORDER OF BUSINESS

Mr. DASCHLE. Mr. President, as I think certainly everyone on the floor knows, but for those who may be viewing our proceedings and should know, our caucuses have been meeting for the last hour to review the work which has been done by colleagues on both sides of the aisle in concert with the administration and with the House of Representatives. This work has been ongoing now for several days. The Appropriations Committee, through the leadership of Senator BYRD and Senator STEVENS, on the use of force resolution, through the leadership of many of our colleagues on both sides, again in concert with the White House, have given their reports to the caucuses.

I am about to propound a unanimous consent request that would allow us to vote on both the use of force resolution and the appropriations supplemental. We would hold open the RECORD for purposes of additional comment. I will read the unanimous consent request. Let me say, before I do read the request, how much I appreciate, once again, the leadership of our Republican leader. As he has throughout the week, he has been remarkable. We could not be where we are today, this country or this institution, without the strong partnership and leadership he has shown. I commend him, and I thank all of our colleagues for their remarkable participation during this difficult week.

Mr. LOTT. Mr. President, if Senator DASCHLE will yield, I thank him for his remarks and I will respond in kind appropriately, but I will wait until after the unanimous consent is reached.

UNANIMOUS CONSENT AGREEMENT—S. 1426 AND S.J. RES. 23

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of S. 1426, the supplemental appropriations bill; that upon its reporting, it be laid aside and the Senate proceed to the consideration of S.J. Res. 23, the use of force legislation; that the Senate vote on final passage of the appropriations bill, to occur immediately; that the vote on

final passage of the use of force resolution occur immediately upon the disposition of the appropriations bill; that no amendments or motions be in order to either bill; that the preamble to the joint resolution be agreed to; and that when the Senate receives from the House its supplemental appropriations bill, it be read a third time and agreed to, provided that it is identical to the bill which the Senate has passed.

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

The Senator from Mississippi.

Mr. LOTT. Mr. President, I thank my colleagues on both sides of the aisle for agreeing to this request. I, too, want to thank Senator DASCHLE, Senator REID, the leadership on the Democratic side of the aisle, and Senators NICKLES, GRAMM, DOMENICI, STEVENS, and WARNER who have worked on these resolutions, and many others.

I realize this is a dramatic action in both cases. That is what is called for.

I have never seen a better example of Members standing together, working together, swallowing our legalistic desires and our budgetary restraint feelings. These are difficult times. We have got to act decisively. The American people expect it of us and they will accept nothing less. We are doing that. We are moving today to provide humanitarian funds to assist in the clean-up, disaster assistance, and military action that is necessary.

In a perfect world, maybe we would do it differently—with more money, less money, more language, less language—but the world has changed, and we are acting appropriately.

With regard to the use of force language, again, I think it has been worked on by Democrats, Republicans, and the administration. If you look at it carefully, I think it does the job without putting us at risk. Senator DASCHLE said the conference was ready to go to do these things. I think this is the right thing, and I commend both conferences for this decisive action.

Thank you for your leadership.

Mr. DASCHLE. Mr. President, I ask that Senators, again, vote from their desks.

2001 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

AUTHORIZATION FOR USE OF MILITARY FORCE

The PRESIDING OFFICER. The clerk will first report the Senate bill.

The legislative clerk read as follows:

A bill (S. 1426) making supplemental appropriations for fiscal year 2001 for additional disaster assistance, for antiterrorist initiatives, and for assistance in the recovery from the tragedy that occurred on September 11, 2001, and for other purposes.

The PRESIDING OFFICER. The clerk will report the Senate Joint Resolution.

The legislative clerk read as follows:

A resolution (S.J. Res. 23) to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States.

Mr. DASCHLE. I ask unanimous consent it be in order that I ask for the yeas and nays on both the supplemental appropriations bill and the Joint Resolution.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AIRPORT AND AIRLINE SECURITY

Mrs. BOXER. Mr. President, the Senate will pass a \$40 billion supplemental appropriation in response to Tuesday's terrorist attack.

One of the top priorities must be to increase our airport and airline security. I hope that some of the funds provided in this bill will be used to place air marshals on commercial planes and to improve security personnel in airports.

Would the chairman of the Appropriations Committee inform me of his intention with this funding regarding airport and airline security.

Mr. BYRD. I agree with the Senator from California on the importance of increasing airport and airline security to prevent our Nation from experiencing a tragedy like this. In my opinion, funds in this bill could be for air marshals and airport security personnel.

Mr. STEVENS. Mr. President, the agreement reached in this body provides \$40 billion to respond to the attacks in New York and Washington, and the plane crash in Pennsylvania, as follows:

\$10 billion available immediately for the President to utilize;

\$10 billion available 15 days after the President submits a plan;

\$20 billion available for allocation in subsequent acts.

This compromise provides the initial \$20 billion sought by the President with virtually no restriction, and provides a second \$20 billion pursuant to the President's commitment to the Governor of New York and the New York delegation that \$20 billion would be available for the domestic response and recovery effort.

The President can use any of the funds for national security purposes—but of the total of \$40 billion, not less than \$20 billion is only available for the domestic recovery effort.

As context, Congress initially provided \$15 billion for the gulf war effort; nearly \$10 billion for the California earthquakes. All of the funds are available until expended, to ensure there is no rush to obligate prematurely.

The arrangement fulfills the President's commitment to New York, Virginia, and Pennsylvania for the families of those on board the hijacked air-

craft, and ensure adequate funds are available for any initial military or intelligence requirements, without a competition for funds between those two needs.

Mr. DASCHLE. Mr. President, Ernest Hemingway observed that "life breaks us all, and afterward many are strong at the broken places."

America's heart is broken. What happened on Tuesday was not simply an attack against America. It was a crime against democracy, against decency itself.

The more we learn, the more we grieve for the innocent victims of these unconscionable attacks: the people of New York, and those of New Jersey, Connecticut, and all who were in and around World Trade Center at the time of these attacks; our men and women serving at the Pentagon; and, the passengers and crew of American Airlines flights 11 and 77, and United Airlines flights 93 and 175.

Today, with the passage of this supplemental bill, we take a step toward healing, and we begin the process of growing stronger at the broken places.

It has been an extraordinary few days here in Congress. As we come together to consider how we can act, how we can help, how we can serve, we forget to consider those things that once divided us.

Today, we are not Democrats or Republicans. We are Americans.

We stand together as one Congress, one people. And we say together, with one voice, we will do whatever needs to be done to care for the victims, to comfort the families, to address this threat to our homeland, and to let our enemies know: We will find them. And we will have justice.

This bill we are considering provides 40 billion dollars to provide aid to the victims of the attacks, and to deal with the consequences of those attacks. The money will be used to: repair the horrific damage caused by these attacks, and help begin the process of recovery; improve attack and disaster preparedness; enhance our counterterrorism efforts; make our planes and other systems of transportation safer and more secure; and strengthen our national security.

But we need to remember: in the end, this isn't about money, because money is only a means. This is a statement of our commitment to help our fellow Americans in their time of need, to protect our Nation from the most insidious of threats, and to ensure that those who had a hand in these evil acts are held accountable.

This is a first step. It is the first of many. Because we will do whatever it takes. And, ultimately, we will grow strong in the broken places.

Mr. LEVIN. Mr. President, in the aftermath of Tuesday's tragic events, security has necessarily been tightened at all our borders. This includes the border crossings at the Port of Detroit, including the Ambassador Bridge, the Detroit-Windsor Tunnel, and the Blue

Water Bridge in Port Huron. The U.S. Customs Service is inspecting every vehicle and almost every truck crossing into the United States at these ports of entry, which is what should be the case after such a terrible breach of our Nation's security.

These ports of entry are important commercial routes for the transport of the just-in-time delivery auto parts to American auto manufacturing plants which are supplied from Canada and elsewhere. Just-in-time delivery means an industry must have the ability to move its products quickly from point to point. An unfortunate side effect of the tightened security is that significant delays of up to 12 hours in some cases have occurred at the bridges and tunnel. This has meant that the just-in-time delivery systems that the auto manufacturers rely on have broken down. As a result, automobile assembly plants in the United States do not have the necessary parts and many have shut down. Others may have to shut down soon for lack of parts.

This backup at our northern border during these extraordinary times highlights and aggravates an existing and chronic problem of under-staffing of Customs inspection and INS personnel at the Port of Detroit and along the Northern border in general. Congress was already beginning to address this shortfall before Tuesday's tragedy exacerbated the problem.

As we pass an emergency supplemental bill today that will provide \$40 billion in disaster relief and humanitarian aid to help respond to the destruction caused by Tuesday's tragedy, we should not forget the security needs at our borders. Specifically, we need to be sensitive to the economic impact additional security measures have on industries that depend on just-in-time delivery of product from Canada and elsewhere. This doesn't mean that we should be any less vigilant in inspection at the border. To the contrary, it means we should be sure that we commit adequate resources to preform these inspections without hurting our economy in the process.

The simple solution would be to direct a portion of the \$40 billion to increase Customs and INS staffing levels at our northern border and at the Port of Detroit in particular where this need has been most clearly demonstrated. It makes good domestic security sense and it makes good economic sense.

Mr. JOHNSON. Mr. President, I want to express my strong support for S. 1426, the Emergency Supplemental Appropriations bill for assistance in the recovery from the tragedy that occurred on September 11, 2001, and for S. J. Resolution 23, which authorizes the use of force against those responsible for the attacks launched against the United States. On this day of remembrance in our country, we must also face the need to respond and rebuild.

As we are faced with another critical moment in our Nation's history, I am proud to be a member of the United

States Senate and the Senate Appropriations Committee, as we work in a nonpartisan way to provide support to the victims of the terrorist attacks on the World Trade Center and the Pentagon. The Senate approved this critically important funding legislation of \$40 billion by a vote of 96-0 earlier today. The United States Congress and the President have worked together to demonstrate that the United States will stand together and put our partisan differences aside as we address this tragedy facing our great country.

This funding will also help our country as we begin to rebuild and work to find those responsible for these reprehensible and cowardly acts of terrorism. Today, I join members of the Senate and the House of Representatives, Democrats and Republicans, in supporting our President and our country by approving legislation to authorize the use of force against those responsible for the despicable acts of terrorism made against our Nation on September 11, 2001.

Innocent Americans were killed at the hands of our enemies. Our Nation grieves their loss and remembers an innocence now lost. Now, it is time to act swiftly and decisively against those who planned, authorized, committed, or aided the terrorist attacks in order to prevent future aggression against Americans at home and abroad.

The war declared by these terrorists is a new kind of conflict. Unlike wars of the past, the attack was not made by one military against another, battling over borders. Instead, the attacks came from a faceless source and focused on innocent civilians. Their aim was to undermine our Nation's freedom, our liberties, and to destroy us from within through fear, hatred, and rage. We must not and will not allow terrorists to ultimately win this war.

I think about the families of those who have lost loved ones this week, the children who are now orphans, and those who still await word on the missing. We hold them in our hearts and keep them in our prayers. As the parent of a son in the US Army, I also share the pride felt by those currently serving our Nation and protecting our freedoms in the military and in our communities as police and firefighters. The coming weeks and months will be trying, and we must stand with one voice in support of these brave men and women.

It is important that we also stand as one America against any example of violence against people based on their religion or ethnicity. We will have lost this war against terrorism if our country's diversity becomes threatened.

We will remember those we've lost. We will respond against those responsible. And we will rebuild our Nation's confidence and security.

Mr. KOHL. Mr. President, today the Senate has taken a somber step toward a new kind of war. Congress has resolved that military force may be necessary to end the scourge of terrorism.

Today we took a solemn vow that we will strike back at those who have killed thousands of American citizens. Those responsible for the attack on the World Trade Center, the Pentagon, and the crash of an airliner in Pennsylvania will now face the full fury and capability of this great Nation.

But the United States will not react blindly. We do not want revenge, we want justice and security. We act today to defend America and punish our enemies. Unnecessary violence will do nothing to erase the losses suffered by the American people.

Part of what we are fighting to protect, is the Constitution and the role of Congress in a crisis. This resolution faithfully and responsibly executes our duty under the Constitution. We have not ceded our power to the President, Congress remains a co-equal branch and a partner with the President in this struggle.

We stand together in this Chamber and with the President. Shoulder to shoulder we are prepared to do whatever is necessary to restore peace and security to the land. Our will is resolute, our hearts are steadfast, and our minds are fixed. We will not rest until the task before us is complete.

Mr. KYL. Mr. President, I rise at this time to lend my full support to S. 1426 the emergency supplemental appropriations bill.

The United States is engaged in war against terrorism. We have been engaged in that war for a long time, but seldom has it tread upon our Nation's soil. On September 11, it did, in a most horrific way.

Last night, this body took a great step in its fight against terrorism. We passed legislation that will significantly improve the effectiveness of our intelligence and legal apparatus.

The measure before us will provide much needed funds to the President to help heal the wounded, repair the broken and enable our Nation's military, justice, and intelligence agencies to carry out the arduous duties that lay before them. The threat will not soon go away. The missions of the agencies we provide for with the funds from this bill will continue long past the day when these funds will run out.

It is up to us, our colleagues in the House and the President and his administration to develop a long-range plan and provide the resources to the men and women who will carry out necessary steps to prevent what happened 3 days ago from ever happening again. It is up to us to promote and insure the Nation's resolve in the coming days, months, and years.

So, I support emergency supplemental legislation.

Ms. MIKULSKI. Mr. President, this Tuesday, September 11, 2001, the United States of America suffered devastating attacks.

What happened Tuesday was not only an attack against America. It was a crime against democracy, and decency. It was a crime against humanity.

Our hearts and prayers go out to the many who lost their lives. To the thousands who are injured and suffering. To the families of all the victims. And to the rescue workers and medical personnel who continue to work around the clock to try to save lives.

At the Pentagon yesterday, I saw the horrendous devastation. I saw the courage and determination of the Montgomery County Urban Search and Rescue Team and many others working to shore up the structure and search the rent and burnt symbol of America's military power. I was deeply moved by the two Chaplains who bless the remains as each victim is found and removed.

The physical impact of these attacks hit New York City, at the Pentagon, and in Pennsylvania. But the real impact is on all of America, on all of the free world.

The direct victims were passengers on domestic flights, civilians and members of our Armed Forces working at the Pentagon, people working at or visiting the World Trade Center, and rescue workers. But all Americans share the pain of those who lost loved ones. We feel this as an attack on each and every one of us, and on our way of life.

I am so proud of the way Americans are responding to this national tragedy. We are united. We are helping each other. We are steadfast. We are strong.

Today, the Senate is taking action. We are doing our part as representatives of the American people. I am proud to join in the unanimous support for emergency supplemental appropriations and a resolution authorizing the use of force.

I have pledged to provide President Bush the resources for rescue, response and recovery, to investigate these attacks, and to improve security. Today, we are appropriating \$40 billion to do that.

We are making resources available immediately to support Federal, State and local search, recovery and rebuilding efforts. To investigate, and prosecute domestic and international terrorism. To increase transportation security. To repair public buildings. And to support national security readiness. The President has tremendous flexibility, consulting appropriately with Congress, to use these funds.

We can and will prevail over terrorism. But we must also take strong action against those who attacked our Nation. Today, we are also adopting a resolution authorizing the President to use "all necessary and appropriate force."

The resolution specifically targets "those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations. . . ." Moreover, the resolution only authorizes action "in order to prevent any future acts of international terrorism against the United States. . . ."

The requirements of the War Powers Resolution remain in force. Congress may decide to give the President further authorization once we have discovered with greater certainty who is responsible for these barbaric acts.

America's law enforcement and intelligence agencies are vigorously pursuing their investigations to find all those responsible. Whoever they are, they must now know that America is committed to rooting them out and exacting a severe price for their barbarity. And America's friends and allies are rightly ready to join us.

Much work remains for the Senate, for the Congress, for our government, for our Nation, to respond and recover and rebuild. Today we are taking critical steps to sustain the recovery efforts and take appropriate action against terrorism.

We will not sacrifice our ideals in pursuit of the monsters who carried out these attacks. We will not compromise the principles for which so many Americans have fought and died.

But we will root out those who committed these atrocities. We will have justice. And we will move forward, a stronger nation than before.

At our prayer service in the Rotunda on Wednesday evening, I asked God to give us the courage and wisdom to respond rightly to these attacks on America. I believe we are doing so today.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Ohio (Mr. VOINOVICH), the Senator from Idaho (Mr. CRAIG), and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

I further announce that if present and voting the Senator from Ohio (Mr. VOINOVICH) and the Senator from North Carolina (Mr. HELMS) would each vote "yea."

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 280 Leg.]

YEAS—96

Akaka	Breaux	Cleland
Allard	Brownback	Clinton
Allen	Bunning	Cochran
Baucus	Burns	Collins
Bayh	Byrd	Conrad
Bennett	Campbell	Corzine
Biden	Cantwell	Crapo
Bingaman	Carnahan	Daschle
Bond	Carper	Dayton
Boxer	Chafee	DeWine

Dodd	Inouye	Reed
Domenici	Johnson	Reid
Dorgan	Kennedy	Roberts
Durbin	Kerry	Rockefeller
Edwards	Kohl	Santorum
Ensign	Kyl	Sarbanes
Enzi	Landrieu	Schumer
Feingold	Leahy	Sessions
Feinstein	Levin	Shelby
Fitzgerald	Lieberman	Smith (NH)
Frist	Lincoln	Smith (OR)
Graham	Lott	Snowe
Gramm	Lugar	Specter
Grassley	McCain	Stabenow
Gregg	McConnell	Stevens
Hagel	Mikulski	Thomas
Harkin	Miller	Thompson
Hatch	Murkowski	Thurmond
Hollings	Murray	Torricelli
Hutchinson	Nelson (FL)	Warner
Hutchison	Nelson (NE)	Wellstone
Inhofe	Nickles	Wyden

NOT VOTING—4

Craig	Jeffords	Voinovich
Helms		

The bill (S. 1426) was passed, as follows:

S. 1426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for fiscal year 2001, namely:

EXECUTIVE OFFICE OF THE PRESIDENT
AND FUNDS

APPROPRIATED TO THE PRESIDENT

EMERGENCY RESPONSE FUND

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the terrorist attacks on the United States that occurred on September 11, 2001, to provide assistance to the victims of the attacks, and to deal with other consequences of the attacks, \$40,000,000,000, to remain available until expended including for the costs of (1) providing Federal, State, and local preparedness for mitigating and responding to the attacks, (2) providing support to counter, investigate, or prosecute domestic or international terrorism, (3) providing increased transportation security, (4) repairing public facilities and transportation systems damaged by the attacks, and (5) supporting national security: *Provided*, That these funds may be transferred to any authorized Federal Government activity to meet the purposes of this Act: *Provided further*, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That \$40,000,000,000 shall be available only to the extent that an official budget request, that includes designation of the \$40,000,000,000 as an emergency requirement as defined in the balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress: *Provided further*, That the President shall consult with the chairmen and ranking minority members of the Committees on Appropriations prior to the transfer of these funds: *Provided further*, That of the \$40,000,000,000 made available herein, \$10,000,000,000 shall not be available for transfer to any Department or Agency until 15 days after the Director of the Office of Management and Budget has submitted to the House and Senate Committees on Appropriations a proposed allocation and plan for use of the funds for that Department or Agency; \$20,000,000,000 may be obligated only when enacted in a subsequent emergency appropriations bill, in response to the terrorist acts on September 11, 2001: *Provided further*:

That the President shall transmit an amendment budget request proposing an allocation of funds: *Provided further*, That not less than one-half of the \$40,000,000,000 shall be for disaster recovery activities and assistance related to the terrorist acts in New York, Virginia and Pennsylvania on September 11, 2001, as authorized by law: *Provided further*, That the Director of the Office of Management and Budget shall provide quarterly reports to the Committees on Appropriations on the use of these funds, beginning not later than January 2, 2002: *Provided further*, That the President shall submit to the Congress as soon as practicable detailed requests to meet any further funding requirements for the purposes specified in this Act.

GENERAL PROVISIONS

SEC. 1. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 2. Funds appropriated by this Act, or made available by the transfer of funds in this Act, may be obligated and expended notwithstanding section 10 of Public Law 91-672, section 313 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995, and section 15 of the State Department Basis Authorities Act of 1956.

This Act may be cited as the "2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States."

Mr. BOND. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. DASCHLE. Mr. President, again, I ask Senators to vote from their desks on this very momentous vote we are about to take.

For the information of all Senators, we want to get on the buses just as quickly as possible after this vote. For those who are going to be attending the memorial service, they will be right down in front of the steps. So we can accommodate all Senators by quickly going, as soon as the vote has been completed, to the buses for transportation to the National Cathedral.

Mrs. HUTCHISON. Mr. President, I inquire of the distinguished majority leader if the Senate will be able to stay in session for people who will not be able to stay later to make a statement regarding the bill and joint resolution being passed today.

Mr. REID. Mr. President, we will need some help in presiding. There are many people going to the memorial service, so some people will not be in this Chamber. So we will need some cooperation with the presiding.

Mr. DASCHLE. With an understanding we may be shorthanded with Presiding Officers, my intention was for those who were unable to attend the memorial service, we would stay in session until noon for Senators to speak for up to 5 minutes. We will resume then, following the memorial service, for Senators who may wish to come back and express themselves on the two matters on which we will have voted this morning—or other issues.

And we will be in later in the day for purposes of confirming a number of nominees that are prepared for consideration as well.

We will come back after the memorial service.

Mr. LOTT. Did you propound a UC on the time for the 5 minutes?

Mr. DASCHLE. I did not.

Mr. President, I ask unanimous consent Senators be limited to 5 minutes as in morning business, following the vote, up until noon today.

Mr. BYRD. Reserving the right to object, and, of course, I will not, Mr. President, may I say to the distinguished majority leader—if I may have 1 minute—

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. There will be no necessity to worry about a Presiding Officer. There will be one.

Would the Chair state the question when the leader is finished for the benefit of the Senate?

Mr. DASCHLE. Mr. President, I ask unanimous consent that Senators be permitted to speak for up to 5 minutes as in morning business until the hour of 12 o'clock noon.

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

Mr. DASCHLE. I thank the Chair and thank all Senators.

Mr. President, I also announce that this will be the last vote of the day and we will not have any votes Monday, Tuesday, or Wednesday of next week.

Mr. LEVIN. Mr. President, I rise to express my strong support for S.J. Res. 23, the joint resolution for use of military force.

As we consider this legislation, our fellow Americans in New York and at the Pentagon—indeed throughout this great country, are recovering those who are still lost, assisting their loved ones to cope, and determinately getting on with the effort to build that which has been torn down. The \$40 billion supplemental appropriations bill that we just passed unanimously demonstrates our determination to assist in the recovery and rebuilding process.

We still have some unfinished business that needs to be attended to today. In the aftermath of the treacherous terrorist attack on the United States and its citizens on September 11, I believe that it is extraordinarily important that the Congress speak with a united voice to authorize the President to use force. In doing so, we will send a strong message of unity behind the President to our fellow citizens, to the international community, and to those connected with these terrorist acts and those who might be considering future acts of terrorism against us.

By this joint resolution, we are authorizing the President to take military action as necessary and appropriate against those nations, organizations, or persons who planned, authorized, committed, or aided those terrorist attacks or harbored such organizations or persons.

In doing so, we will be empowering the President and expressing our strong support for him and for the men and women in our Armed Forces. In my view, it is only by doing so that we can prevent those nations, organizations, and persons from conducting terrorist attacks against us in the future.

I believe it is important to note that this joint resolution would authorize the use of force even before the President or the Congress knows with certainty which nations, organizations, or persons were involved in the September 11 terrorist acts. This is a truly noteworthy action and a demonstration of our faith in the ability of our Government to determine the facts and in the President to act upon them.

I believe it is also important to note that this authorization for the use of force is limited to the nations, organizations, or persons involved in the terrorist attacks of September 11. It is not a broad authorization for the use of military force against any nation, organization, or persons who were not involved in the September 11 terrorist attacks.

This joint resolution is based upon and is an exercise of the Congress' constitutional war powers role as codified in the War Powers Resolution. It also expressly confirms the conditions on the exercise of Executive power under that resolution. In that regard, I want to note that the statement in the last "Whereas" clause relating to the constitutional authority of the President to take action to deter and prevent acts of international terrorism against the United States is to be read in conjunction with the War Powers Resolution. That is why words in earlier drafts of this joint resolution, which might have been interpreted to grant a broader authority to use military force, were deleted and that is why the references to the War Powers Resolution were added. It does not recognize any greater presidential authority than is recognized by the War Powers Resolution nor does it grant any new authority to the President.

Finally, I want to encourage my colleagues to vote in favor of this joint resolution. It is my fervent hope that we will achieve a unanimous vote. I believe we owe it to those who have been lost, to their loved ones and friends, and to the men and women of our Armed Forces who will be placed in harms way to protect us from future terrorist acts.

Mr. MCCAIN. Mr. President, in 1936, Winston Churchill addressed the British House of Commons to highlight the extraordinary growth of German military power and the threat it posed to the security of Europe. In his historic address, "The Locust Years," Churchill warned of complacency in the face of a Nazi threat that would doom Europe's peace and blacken European civilization. In Churchill's words:

The era of procrastination, of half-measures, of soothing and baffling expedients, of delays, is coming to its close. In its place we

are entering a period of consequences. . . . We cannot avoid this period; we are in it now . . . [What has] staggered me . . . has been the dangers that have so swiftly come upon us in a few years, and have been transforming our position and the whole outlook of the world.

We in America today have entered a period of consequences. We do not face the imminent prospect of war against a great power. We face instead a threat more insidious, one that will require the best of America to defeat: the reality of catastrophic terrorism in our midst.

No longer do we perceive the only great threat to our security in the hostile maneuvers of foreign armies; no longer do vast oceans protect us from the plots and violence of the Old World; no longer do we sit in splendid isolation, flush with prosperity and naive with peace.

A new day has come, a new test of the values upon which our Nation was founded. It calls us to a national mission unlike any we have known. Our Founding Fathers would well understand the nature of this challenge, for they prevailed against even greater odds in defending the American experiment. Let us seek strength from their example, and courage in their wisdom, as we protect the legacy they built.

We must destroy this international network of terror in all its guises, and deprive its architects, executioners, and sponsors of safe harbor anywhere in this world. We will find the enemy, and they will suffer the full, awesome measure of our justice.

These were not just crimes of mass murder against the United States; they are acts of war. The American people now know that we are at war. They will make the sacrifices and show the resolve necessary to prevail.

To see this mission through, Congress should encourage the President to use all necessary means to overcome and destroy this enemy, in what will be a long and trying campaign for freedom. Under the Constitution, the President already possesses this authority, but it is enhanced, and our cause strengthened, by the support of the Congress.

History will judge us for our support of this resolution, just as the 102nd Congress is judged for its resolution authorizing military action against Iraq. When faintness of heart carries the day, history's judgment is cruel.

The stakes today are higher than before the Persian Gulf War: this mission is harder, will take longer, and ends not with the capture or death of Osama bin Laden, but with the destruction of the terrorist networks that threaten our way of life, and the defeat of nations supporting and collaborating with this evil. These nations, too, are our enemies.

Those who have seen war do not seek it lightly. But war has been thrust upon us, and the stakes couldn't be higher.

The era of procrastination and half-measures has ended. The "post-Cold

War era," the prosperity and peace that attended it, is over. We now have a higher purpose. Like other turning points in American history, when our founding principles were put at grave risk, we today rise proudly to the challenge.

American resolve is not in doubt. Let us give our Commander in Chief all necessary authority to put power behind our purpose, in the name of our sacred heritage of freedom, and the glory of all whose sacrifice has preserved it.

Two years before Britain's appeasement of the German war machine at Munich, Winston Churchill called not for a policy of half-measures to tame the foreign threat, but a posture of peace through strength to prepare for victory over it. Britain's freedom required no less. In Churchill's words:

The inheritance in our possession represents the prolonged achievement of the centuries . . . There is not one of our simple uncounted rights today for which better men than we are have not died on the scaffolds or the battlefield. We have not only a great treasure; we have a great cause.

America's freedom, and the values that protect us in the face of evil, are our great and glorious cause. We rededicate ourselves to it today, to our prolonged achievement of the centuries, with humble pride and righteous fury, as we seek to make of this world a better, safer place for all.

Mr. KERRY. Mr. President, we cannot undo the grave events that took place on Tuesday or bring back the loved ones that so many families have lost or quickly restore the sense of security that Americans took for granted. But with resolve and determination we can take actions to root out those who perpetrated these dastardly and heretofore unimaginable events.

There should be no question in the minds of those who are responsible for these attacks, or in the minds of those who have aided and abetted them, that the United States will take all necessary and appropriate steps to respond and to prevent them from undertaking additional attacks against our country. In keeping with our very values that were under attack this week, we must respond rationally and judiciously, not out of anger and sadness.

This resolution leaves no doubt that the Congress is united in full support of the President. We have given the President the authority that he needs to respond to this unprecedented attack on American citizens on U.S. soil. This resolution allows the President to use all necessary and appropriate force against those nations, organizations, or individuals who are responsible for this attack and against those who helped or harbored them. But it does not give the President a blanket approval to take military action against others under the guise of fighting international terrorism. It is not an open-ended authorization to use force in circumstances beyond those we face today. Under the Constitution the

President has the authority to act if there is an imminent attack on the United States. That authority is recognized in this resolution.

The tragedy our Nation experienced this week brought home to every American the reality of terrorism. Now we must respond. That response must be forceful and unequivocal. I am confident it will be.

Mr. FEINGOLD. Mr. President, the attack on the United States this week leaves all of us jolted and angered. To respond to this terror is both our fate and our challenge. Our response to that attack must reflect our national character. As a great Nation, we must respond powerfully. But our response must be guided by justice and by our right to self defense, not by vengeance. We must act to hold accountable those responsible for these terrorist attacks. But to be true to our traditions and our Founders, we must act within the confines of the Constitution and the law. I believe that the resolution before us achieves that goal.

The War Powers Resolution of 1973 explicitly recognizes the President's authority to take immediate action as Commander in Chief of the United States Armed Forces to respond to this unprovoked attack on the United States. As such, there is no reason to suggest that the action we take here today is required in advance of any immediate military response by the President. In the interest of demonstrating our national resolve to act firmly and decisively, however, and as a demonstration of our commitment to working in close cooperation with our Commander in Chief to respond to this aggression, we act today to authorize the use of force, as required by the War Powers Resolution.

I commend the President and his administration for seeking the resolution before us today, for working with the Congress, and for recognizing the requirement under the Constitution and the law for joint authorization. As well, I commend those who negotiated the specific language of this resolution, and in particular, Senators BIDEN, LEVIN, and KERRY. They deserve our thanks for insisting that we honor the War Powers Resolution.

Like any legislation, this resolution is not perfect. I have some concern that readers may misinterpret the preamble language that the President has authority under the Constitution to take action to deter and prevent acts of international terrorism as a new grant of power; rather it is merely a statement that the President has existing constitutional powers. I am gratified that in the body of this resolution, it does not contain a broad grant of powers, but is appropriately limited to those entities involved in the attacks that occurred on September 11. And I am particularly gratified that this resolution explicitly abides by and invokes the War Powers Resolution.

In taking this action today, we are not responding to a distant threat to

international peace and security; we are responding to a direct attack on the United States. This is not a humanitarian response to a foreign crisis, but a defensive action to protect the lives of Americans here at home.

At the same time, we must recognize that this war will be unlike any other we have fought in the past. Our enemy is not a state with clearly defined borders. We must respond instead to what is quite likely a loose network of terrorists that do not function according to a strict hierarchy. We must respond to a highly mobile, diffuse enemy that operates largely beyond the reach of our conventional war-fighting techniques.

Given the immense difficulties involved in identifying our enemies, we must take great care to guard against making mistakes as we pursue them across an obscured terrain. We must not act on misguided prejudices or incomplete information. We must not cause needless harm to innocent bystanders. Our response will be judged by friends and foes, by history, and by ourselves. It must stand up to the highest level of scrutiny: It must be appropriate and constitutional.

Within this confusing scenario, it will be easy to point fingers at an ever increasing number of enemies, to believe that the "the enemy" is all around us, that the enemy may even be our neighbor. The target can seem to grow larger and larger every day, before the first strike even occurs. And this, of course, is exactly what the terrorists want. They seek to inflate their numbers and their influence by retreating into the shadows. They seek to turn us against each other, and to turn us against our friends and allies across the world, but we will not allow this to happen.

We must also take great care to maintain a careful distinction between those organizations or states that have knowingly harbored or assisted terrorists, and those that have acted carelessly in providing unintended aid or shelter. We must punish those who have knowingly supported our enemy, we must strengthen the capacity of all others to respond appropriately. We must invite those who have unintentionally harbored terrorists to work with us to locate them, to eliminate them, to renounce them, and to begin a new era of vigilance, if they are to be regarded as friends of the United States.

Our fight against a faceless, shadow enemy also raises another difficult dilemma, for how will we know when we have defeated this enemy? How can we tell whether our enemy has merely regrouped to strike again on another day or at another hour? There can be no peace treaty with such an enemy, but there must be a lasting and discernible peace. We should consider this in determining the frequency and duration of consultations between the Congress and the President over the conduct and status of this demanding struggle.

We enthusiastically support our President as he prepares the response to this unparalleled attack. The President has two paths open to him, as any President would under the Constitution. On the one hand, he may act using his powers as Commander in Chief, while remaining subject to the terms of the War Powers Resolution for any sustained action. Or on the other hand, he may seek a declaration of war under Article I of the Constitution.

If this is indeed to be a war, then the President should seek a declaration of war. We cannot allow our cherished Constitution to become a dead letter. And it should go without saying that to declare a war, he must identify our adversary.

If this will be something short of a war in the broadest sense, then it is proper that we will pass a resolution that gives such broad powers to the President that he could thereby conduct a full-scale war across the globe without the consent of Congress. This would, as well, fly in the face of the structure that our Constitution sets up.

The drafters of the War Powers Resolution sought to fulfill the intent of the Framers of the Constitution and to ensure that the collective judgment of both the Congress and the President would apply to the introduction of U.S. Armed Forces into hostilities.

In today's world, when candor and cooperation between co-equal branches of government seem paramount, the War Powers Resolution has become a bit like the family relative that nobody wants to talk about. But we need to talk about it. Our legislative horizons need to move beyond the era when a President could secretly deploy thousands of troops in Cold War struggles outside of the view of a television camera.

There is only one circumstance in which a President may act without statutory authorization, and that is to respond to legitimate emergencies. None among us doubt that we confront such an emergency today, and that it may grow into a sustained struggle.

The Constitution foresaw and history has since demonstrated that there will continue to be events to which the President must respond in the defense of the country, or in response to urgent and vital interests abroad.

Congress owns the war power. But by this resolution, Congress loans it to the President in this emergency. In so doing, we demonstrate our respect and confidence in both our Commander in Chief and our Constitution.

Emergencies can well demand a response of such decisiveness, secrecy, or dispatch that can only be provided by the President as Commander in Chief. But even when emergencies occur, it is our tradition for the President to act, and then seek what has been called "indemnification" from the Congress.

In prosecuting the Korean War, President Truman decided not to do that in 1950. And his decision is widely

viewed as the most egregious abuse of constitutional war powers in the history of the United States. President Eisenhower's more constructive working relationship with Congress was tempered by the Truman experience.

Even President Johnson, the father of the Tonkin Gulf resolution, considered Truman to have made a serious error in failing to seek congressional authorization.

As one U.S. Congressman has said: "Allow the President to invade a neighboring nation, whenever he shall deem it necessary to repel an invasion, and you allow him to do so, whenever he may choose to say he deems it necessary for such purpose—and you allow him to make war at pleasure."

Those were the words of Congressman Abraham Lincoln. Years later, at the outbreak of the Civil War, President Lincoln himself deployed U.S. Armed Forces without the authorization of Congress, but later told the Congress that these actions, whether strictly legal or not, were ventured upon under what appeared to be a popular demand and public necessity, trusting then, as now, that Congress would readily ratify them.

Thus Lincoln explicitly sought congressional approval of his emergency actions by statute. He never claimed to have full and independent constitutional support for his initiatives.

Congressional ratification was an essential legitimating step for his actions. Later the Supreme Court upheld his action in the famous 1863 prize cases.

So, by this resolution, Congress vouchsafes the legitimacy of a struggle that must have the continuing approval of the representatives of the people. It is the framework for a continuing consensus and communicates support to our President in this emergency. We acknowledge that this legitimate emergency permits the President to act unilaterally without turning our back on who wields the war power under the Constitution, and we trust that if he does, he will turn to Congress to legitimize his actions as appropriate. We have made clear that our support for appropriate action will be forthcoming. And we trust that, by taking up this resolution at this time, there will be no need for after-the-fact measures such as indemnification, no question in anyone's mind about our resolve and commitment.

I take pains to raise these issues because they matter, they go to the core of our Constitution and the brilliant separation of powers that guard our democracy. Unfortunately, there have been too many cases in which we have been asked to make loans of the war power in other than emergency situations. As many of our colleagues said during the 1994 debate regarding Haiti, it is not enough to seek the approval of the U.S. Security Council or of a regional alliance like the OAS or NATO only then to ignore the role, the central role, of the United States Congress.

I also recognize that power-of-the-purse legislation relating to the commitment of U.S. armed forces is an available remedy, but not an ideal model. The distinguished President Pro Tempore, Senator BYRD, in testimony before the Foreign Relations Committee in February 1994, likened the power of the purse to a watering hole in the forest to which all the animals eventually must come to drink. I agree with the distinguished President Pro Tempore's characterization; the power of the purse is an excellent and effective tool in most matters for which we appropriate public funds.

But I worry, nonetheless, about how close we would come to a constitutional crisis if we were to rely on such measures as a last resort in a war powers struggle with the President. In a way, it illustrates our level of urgency about preserving our constitutional war power responsibilities, and they risk infringement upon the President's equally valid constitutional responsibilities as Commander in Chief.

The War Powers Resolution is as relevant today as it was enacted in 1973.

It is all too apparent that the post-Cold War environment has ushered in an era of threats unforeseen by the founders. These threats reinforce the need for the Congress to make its will known when our troops are to be deployed in potentially dangerous situations.

While I believe that the heinous acts perpetrated against the United States by still-unidentified terrorists on September 11, 2001, could justify U.S. and allied military action, I believe that any such actions, if they are to be sustained, must be properly authorized by the Congress.

Since coming to the Senate in 1993, I have encouraged discussion and vigorous congressional debate regarding the situations in Haiti, Bosnia, and Kosovo because of my conviction that Congress has both a right and a duty to express its will about the wisdom of committing our troops to a potential conflict. Many of these instances were not adequately considered and did not follow an appropriate Congressional authorization.

That same conviction makes it essential that the Congress should make its will known. We must not abdicate our responsibility to the victims of September 11, and to the mothers and fathers, the sons and daughters, the wives and husbands of our servicemen and women, who for us will be the point of the sword of justice.

Moreover, abiding by the constitutional and statutory scheme in this case is not only the right thing to do as a matter of law, but it is also the most effective thing to do. Because it follows the constitutionally and statutorily prescribed procedures, this resolution will strengthen our nation's efforts. Our careful and deliberate acts in this Congress are the manifestation of the will of the American people, and we will marshal that mighty force behind

our President and our military. When we abide by our Constitution and our law, we are as strong as we possibly can be, and we are far stronger than the malevolent force that we soon will engage.

Mr. KYL. Mr. President, I rise today in full support of S.J. Res. 23, authorizing the use of the U.S. Armed Forces against those responsible for the recent attacks launched against the United States.

As the President and many of my colleagues have asserted since the heinous acts of Tuesday past, we are at war. In fact, we have actually been at war against terrorists for a long time, but seldom has it touched our shores. The time has come for us, and for our allies, to act with all appropriate force to remove the threat of similar acts occurring on our soil, or the soil of other free nations.

As the President has stated, America is the primary target because we are the shining beacon of freedom and democracy. In recent days, our allies have recommitted themselves to the support of those ideals, and they have pledged their support for the actions that must be taken in response to the murderous crimes of September 11.

With so much of the world behind us, there will never be a better time for us to make a concerted effort to rid ourselves of the threat of terrorism. Today we have put partisan politics behind us and created a joint resolution that authorizes the President to use "all necessary and appropriate force" against the terrorists who perpetrated these acts and the countries of organizations that supported, aided and harbored them.

We stand united in our resolve to take whatever actions are deemed necessary by the President to defeat the enemy—terrorism.

Ms. SNOWE. Mr. President, I rise in support of the joint resolution authorizing the use of U.S. Armed Forces against those responsible for the recent act of war against this Nation, to deter future attacks, and to disable the machinery of terror.

With the end of the cold war came the hope of even greater prosperity and freedom for people the world over. That promise has been threatened and attacked in the most vicious and monstrous assault on American soil ever. But make no mistake, it has not been squelched. The forces of evil have had their day. Now, we will have ours.

It is no exaggeration to say that this is a defining moment not only for the United States, but for the principles and ideals for which it stands. It comes down to this: Either you stand with those principles and ideals, or you stand against them. Unlike almost any other issue we debate on this floor, this matter is that simple.

Either we move to crush those who disregard human life on a massive scale, or we surrender humanity to the hands of madmen. Either we send the message that the world will not be a

hostage to terror, or we submit to an infinite cycle of hopeless victimization. That is our choice. It is that simple.

But just because the choice is simple does not mean the decision is easy. To the contrary, there is nothing more difficult than committing our troops to a dangerous mission. While we do not yet know what form that mission will be, we know it will require tremendous sacrifice. This is the one vote that not a single one of us ever wants to make, but now we must make.

I well remember being in the White House in January of 1991, at a meeting in the Cabinet room to discuss the use of force in the Persian Gulf. During the meeting, the President excused himself to take a call from the Secretary of State on the progress of the talks with the Iraqi foreign minister. When he returned, the look on his face told me the talks had failed. Force would have to be used. I will never forget that moment. I will never forget this moment—none of us will.

Winston Churchill, in preparing his nation for the full onslaught of the Axis blitzkrieg, told his fellow countrymen, "Let us therefore brace ourselves to our duty." All of us—here in Washington and throughout the country—must brace ourselves for the duty before us. There will be days of triumph, and days of tears. But in the end, we know that our cause is just, and we know we will prevail.

Whoever is responsible for this heinous act against humanity must know the full force of our fury. How tragic it is that we must return suffering for suffering, but we know from the history of human experience that it is a price we must be prepared to pay in defense of liberty. Sadly, from all we know of these faceless cowards, it is the only dialogue they and others like them understand. For them, the language of violence is the only language they speak. For them, the taking of life is the apex of human expression.

That is not the world I want for us. That is not the world I want for our children. Terrorism is quite literally a cancer in the body politic, elusive by its nature, insidious in its stealth, and requiring the most early detection and eradication possible. And that is what we intend to do. Either that, or terrorism will destroy the rule of law from the inside out, along with the basic tenets by which we are able to live together and thrive and enjoy "life, liberty and the pursuit of happiness" in a civilized society.

We must remember that this unprovoked attack was on soil that is American, against ideals that are global. Indeed, two of the very targets themselves, the twin towers of the World Trade Center, were international buildings rooted in U.S. ground. The lives that were lost—American, Australian, British, and countless others—are in a way symbolic of the freedom that was lost not only in the United States, but in countless nations across every hemisphere of the globe.

So while we may lead the charge, we do not stand alone. The North Atlantic Treaty Organization to which we have pledged our unyielding support, as well as many other nations beyond those we might consider our traditional and closest allies, will now be there in support of our mission, a mission that ultimately is larger than any one Republic, any one people.

In this particular instance, right now, we know not against whom we aim. For that reason, it is all the more important we give the President broad latitude to take whatever action is necessary to punish the perpetrators and help ensure that such a catastrophe never reoccurs. This Joint Resolution grants the President discretion in destroying the soul of whatever organization has jabbed at the heart of democracy. It is a resolution born of necessity, and rooted in precedent.

In 1962, when Cuba posed the threat of spreading communism and endangering the security of the United States, Congress approved a joint resolution stating that the United States will use force if necessary to halt the spread of communism in this hemisphere. The resolution declared that the United States was determined to prevent, by whatever means necessary, including the use of arms, the Marxist Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere, and to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States.

On January 12, 1991, in the wake of the Iraqi invasion of Kuwait, both houses of Congress passed the "Authorization for Use of Military Force Against Iraq Resolution", which I supported. The resolution authorized the President to use the U.S. Armed Forces pursuant to U.N. Security Council Resolution 678 to achieve implementation of the earlier Security Council resolutions calling for the repulsion of Iraq from Kuwait.

On January 16, former President Bush made the determination required by the Resolution that diplomatic means had not and would not compel Iraq to withdraw from Kuwait. On January 18, he reported to Congress "consistent with the War Powers Resolution" that he had directed U.S. forces to commence combat operations.

Now, we are faced with the bloodiest attack ever on American soil, the first of this magnitude in this history of the continental United States. This resolution states that the President is "authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, or harbored such organization or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons."

This resolution, consistent with the War Powers Resolution, is precisely the right course for the Congress to take at this momentous juncture in American history. Our thoughts and prayers are with all the men and women of our Armed Services, who will be at the vanguard of our struggle against whatever evil force has darkened the world.

We cannot allow these forces of darkness to take root in the fertile soil of this new century. Rather, the time has come to eradicate terror at its roots. We have no choice if we are to remain the authors of our own destiny, a destiny that has no room for those who would shackle freedom with the twin specters of fear and violence. It is time to unleash the full resources and force and determination of this great nation against this unimaginable evil. This atrocity cannot stand, and let history one day record that it did not stand.

Mr. KENNEDY. Mr. President, I strongly support the bipartisan resolution to authorize the use of force and the emergency supplemental appropriation to help our nation recover and respond to this vicious terrorist atrocity.

The use-of-force resolution authorizes the President to use force against any nations, organizations, or persons involved in the terrorist attacks last Tuesday and to take all appropriate steps to prevent future acts of terrorism against the United States. This is an appropriate and needed response to the vicious and horrifying recent attacks on America.

Those who murder American citizens must find no hiding place, and those who harbor terrorists must pay the price. America must be decisive and effective in apprehending terrorists and identifying and punishing those who give them support.

Our Government is working hard to find the perpetrators of this crime, and this effort deserves the full support of Congress. Our response to these atrocities will and must be strong and decisive.

At the same time, we all agree that our response must not be indiscriminate. We should only act when we are certain who the perpetrators of these atrocities are.

These shameful attacks demonstrated America's vulnerability to terrorist attacks, and an effective and appropriate response is essential. Despite our efforts to prevent terrorism, a vast international network of terrorists has been organized to work against America's interests at home and abroad. We cannot permit these terrorists to succeed.

These atrocities have strengthened our resolve to root out the terrorist network and protect the safety of American citizens at home and abroad. Our resolve is strong to defend and uphold democracy and freedom, the founding principles that have made our Nation great. We should spare no resources to protect these profound values.

The need for extra resources cannot be understated. The devastation caused by the attacks in New York and at the Pentagon have already dwarfed the largest recent catastrophe, Hurricane Andrew, where losses were estimated at over \$18 billion.

This emergency supplemental appropriations bill provides \$40 billion for the full range of response, recovery, relief, and repair efforts to help Federal, State, and local governments to support counterterrorism activities to carry out the investigations and eventual prosecution of those who committed these acts and to guarantee increased security for our nation's airports.

These funds will enable America's law enforcement agencies to continue their urgent efforts to identify all persons who were involved in these atrocities. The Federal Bureau of Investigation has launched the largest investigation in its history, involving more than 4,000 special agents and 3,000 support personnel. At the crime scenes in New York, Virginia, and Pennsylvania FBI agents are sifting through the wreckage to identify the terrorists and their victims, and to locate weapons, flight recorders, and other items that will enable us to understand how these crimes occurred. Across the nation and around the world, agents are pursuing thousands of leads about the suspected perpetrators and supporters of these terrorist acts.

FBI Director Robert Mueller has expressed a total, unwavering commitment to the challenge. We in Congress are committed to providing full resources to it and all other federal law enforcement agencies involved in this investigation. We will do whatever it takes.

Our airports must also be made secure. Some of these funds should be used for hiring additional sky marshals, so that they can be deployed on domestic flights. Funding should also be allocated to effective baggage screening technologies, airport personnel training, and background checks.

Additional resources are clearly needed to win this all-important battle against terrorism. All of our counterterrorism assets must be strengthened—in the military, in our intelligence community, and in our public health infrastructure including needed steps to counter the threat of biological weapons in the hands of terrorists.

This week's devastating attacks in New York and at the Pentagon are a call for action not only to respond forcefully against the perpetrators of these outrages, but also to strengthen our defenses against future attacks. A central part of this effort must be to improve the Nation's preparedness against biological terrorism. The Office of Emergency Preparedness estimates that 40 million Americans could die if a terrorist released smallpox into the American population; Anthrax could kill 10 million.

We must strengthen our national capacity to prevent such attacks, and also to detect, monitor, and contain any plague released by a bioterrorist attack. The troops in the front line of the battle against bioterrorism will be medical and public health workers. We must give them the weapons they need to win that battle.

Finally, in the aftermath of this week's attacks, as we reach out and come together as a nation, we must also deal with the profound psychological impact of these events on the victims and their families, on the many emergency personnel who responded so courageously to this crisis, and on the large number of children across the country who have also been affected. It is my hope that a high priority of the resources being appropriated by this legislation will be used to make post-trauma services and support widely available to all those who need them.

Again, I commend President Bush for his strong commitment to win the ongoing battle against terrorism, and I commend as well, the strong bipartisan spirit in which Congress has joined in this all-important commitment. America will be a stronger nation because of this attack.

VOTE ON S.J. RES. 23

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAIG) and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea."

The PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 281 Leg.]

YEAS—98

Akaka	Cleland	Frist
Allard	Clinton	Graham
Allen	Cochran	Gramm
Baucus	Collins	Grassley
Bayh	Conrad	Gregg
Bennett	Corzine	Hagel
Biden	Crapo	Harkin
Bingaman	Daschle	Hatch
Bond	Dayton	Hollings
Boxer	DeWine	Hutchinson
Breaux	Dodd	Hutchison
Brownback	Domenici	Inhofe
Bunning	Dorgan	Inouye
Burns	Durbin	Jeffords
Byrd	Edwards	Johnson
Campbell	Ensign	Kennedy
Cantwell	Enzi	Kerry
Carnahan	Feingold	Kohl
Carper	Feinstein	Kyl
Chafee	Fitzgerald	Landrieu

Leahy	Nelson (NE)	Snowe
Levin	Nickles	Specter
Lieberman	Reed	Stabenow
Lincoln	Reid	Stevens
Lott	Roberts	Thomas
Lugar	Rockefeller	Thompson
McCain	Santorum	Thurmond
McConnell	Sarbanes	Torricelli
Mikulski	Schumer	Voinovich
Miller	Sessions	Warner
Murkowski	Shelby	Wellstone
Murray	Smith (NH)	Wyden
Nelson (FL)	Smith (OR)	

NOT VOTING—2

Craig	Helms
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The joint resolution (S.J. Res. 23) was passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 23

Whereas, on September 11, 2001, acts of treacherous violence were committed against the United States and its citizens; and

Whereas, such acts render it both necessary and appropriate that the United States exercise its rights to self-defense and to protect United States citizens both at home and abroad, and

Whereas, in light of the threat to the national security and foreign policy of the United States posed by these grave acts of violence, and

Whereas, such acts continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States,

Whereas, the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for Use of Military Force".

SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

(b) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supercedes any requirement of the War Powers Resolution.

THREE IN 29 YEARS

Mr. HELMS. Mr. President, as of today, during my nearly 29 years in the Senate, I have missed a total of three votes because of "traffic jams." The first was during my 4th year in the Senate. The other two occurred this morning when I was unable to get to the Senate Chamber in time to cast my affirmative votes for H.R. 2888 and S.J. Res. 23, both of which were approved without a dissenting vote.

Needless to say, I deeply regret I was unable to reach the Senate Chamber in time to vote for the two critical measures approved by the Senate today.

The enormity of Tuesday's terrorist attacks is proving more apparent every day. It is obvious that the lives of all Americans have changed as a result of these heinous crimes against the United States and, indeed, all civilization.

Needless to say, I strongly support the Senate's giving President Bush the authority to root out and destroy the heinous terrorists responsible for such brutality and also, of course, the governments harboring them. Needless to say, I support the necessary funding to enable the President to begin this solemn responsibility. I commend the Senate, of course, for its responsible and appropriate actions to provide sufficient funding to help the recovery effort in New York, Washington, D.C. and elsewhere.

This is only the beginning of the resources Congress must provide to eradicate the terrorists that perpetrated such horrific violence against America and the American people.

Mrs. Helms and I join our fellow Americans in mourning the victims and praying for their loved ones, and we also share the resolve to fight terrorism in any form, by any available means, unless and until we are confident that America will never again have a day like Tuesday, September 11, 2001.

MORNING BUSINESS

ORDER OF PROCEDURE

The PRESIDENT pro tempore. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, a number of Senators wish to speak.

The PRESIDENT pro tempore. The Senator from Texas will suspend until the Senate is ordered. The Chair, as President pro tempore, designates the senior Senator from Alaska, Mr. STEVENS, to take the Chair and, after a period of time, designates in open session that Mr. BAYH will resume the chair.

The Senator from Texas.

(Mr. STEVENS assumed the chair.)

Mrs. HUTCHISON. Mr. President, I know a number of Members want to speak. I want to propose that we go back and forth across the aisle and set an order for those who are here and wish to speak. I ask unanimous consent that we be allowed to do that, and I would like to be on the list as soon as possible.

Mr. INHOFE. Reserving the right to object, Mr. President, I ask unanimous consent that I be recognized for up to 10 minutes. I know that we are talking about 5-minute intervals. I will make that request now and then we will worry about in what order we go.

Mrs. HUTCHISON. Mr. President, I just ask that if the Senator wants to speak for 10 minutes, could he then wait until others who are trying to go to the National Cathedral, let them

have 5 minutes and then perhaps take his 10 minutes?

Mr. INHOFE. I am glad to wait until approximately 11:30, if necessary.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be allowed to speak for up to 5 minutes.

The PRESIDING OFFICER. The Senator has the floor. The Senator is recognized pursuant to a previous order.

Mr. KERRY. Mr. President, is my understanding correct that we will go back and forth, side to side?

The PRESIDING OFFICER. That has not been ordered.

Mr. KERRY. I ask unanimous consent that we speak alternatively, from side to side.

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

The Senator from Texas is recognized.

A UNITED RESPONSE

Mrs. HUTCHISON. Mr. President, there is a time to talk and there is a time to act. The Senate today has unanimously acted with force, with resolve, and with unanimity. We spoke for the people of our country about the heinous situation in which we find ourselves, and also about the resolve to keep this from happening again.

We have passed a resolution giving the President of the United States our support and authorization for the use of military force against any person or any country that is helping the people who did the despicable acts of September 11. I heard a young woman on television this morning whose brother was lost in one of the World Trade Center Towers. The young woman was asked what she thought the response of the United States should be. She said, "I don't really want to go to war. I just don't want anyone else to have to suffer what I am suffering today." I just want to say to that young woman, and to all of the other families of the victims of September 11, 2001, that it is exactly what we did today that will prevent other people in the future from suffering what she is suffering.

If we do not respond with force, we will put American lives in jeopardy, and we will not be doing our job of protecting the people of our country whom we were elected to protect.

No one would ever have the United States move before we had absolute evidence about who perpetrated this atrocity, but when we have that evidence, we are going to move.

The Senate is speaking today in support of the President to take military action against those who have attacked our country, our people, our way of life, our very freedom.

The most important responsibility I believe I have as a Senator is to keep the freedom that so many have died for in past years for our country. We are the beacon of freedom in the world. We are a democracy that has proven that, through our voting capabilities, we can become the strongest nation on Earth.

It is freedom that is the foundation of the democracy and our way of life.

To make sure we keep the freedom we have known—our mothers, fathers, grandmothers, and grandfathers have known—for our children and grandchildren, we must act decisively when an act of war has been perpetrated on innocent people of our country.

As to the act that occurred on September 11—a day we will never forget in our lifetime, nor will our children or grandchildren ever forget—the only way we can respond to that kind of attack on our people and our freedom is to say we will fight, not just today or next month or 2 months from now, but we are in this for the long haul, and we are going to rid the world of the despots who believe they can prey on innocent citizens against freedom-loving people in the world.

I am proud of the Senate. I am proud that we did not dillydally around to say, "I wonder what we ought to do," but we are putting our faith in the President of the United States, our military forces, and our leaders who have the decisionmaking capabilities and the control of the military to act on our behalf and on behalf of the people of our country to assure that this will not happen again, and the force that we use will have the appropriate impact to protect ourselves and our freedom-loving allies wherever they may be in the world.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, my mom has an expression: Out of every tragedy, something good will come if you look hard enough.

I know the Presiding Officer, if he will forgive this point of personal reference, has had his share of personal tragedy. Everyone in this Chamber has. Some of us have gotten those phone calls that the people in New York are getting from cell phones and/or from a police officer and/or from a morgue.

We know there is not a darn thing we can do now for those people except—it is strange the way human nature works, and I know the Presiding Officer knows this—except it is amazing how those people in that circumstance draw strength from the knowledge that other people understand their pain, that other people empathize with them, that other people care about what they are going through. It amazes me that you can draw strength from that.

I think what we are doing and the Nation is doing is the right thing. Most important, what we did today should be noted is not likely to occur in any other country in the world, and that is, that we just a few moments ago operated under the rule of law.

In all our anger, all our frustration, all our feelings, very bluntly, of hatred that exists now for those who perpetrated the act against us, we did not pell-mell just say: Go do anything,

anytime, anyplace, Mr. President; you have to just go. We operated as our Founders, who were not naive people, intended us to operate. We operated under the rule of law.

We went to our civil bible, the Constitution, and we said: What does it call for here? What it calls for is the U.S. Congress to meet its constitutional responsibility, to say: Mr. President, we authorize you, in the name of the American people, to take action, and we define the action in generic terms which you can take.

We gave the President today, as we should have and as is our responsibility, all the authority he needs to prosecute war against the individuals or countries responsible, without yielding our constitutional right to retain the judgment in the future as to whether or not force against others could, should, or would be used.

That is remarkable. I suspect not many people know, other than my distinguished colleague, the Senator from Texas, a former professor, one of the brightest guys with whom I ever worked, unfortunately leaving the Senate at the end of his term; what the leading scholar in the Senate, Senator BYRD, knows and what the experienced Senator from Alaska knows. My friend from Oklahoma is the only one in this place who can fully understand, I suspect, along with his Oklahoma colleague, what our friends from New Jersey, New York, Virginia, the District, and Maryland are going through. He understands it. He has internalized it. He knows it.

I believe it is fairly remarkable that, in spite of the reasons for the attack on us and our way of life, we adhered to the rule of law; that even in this calamity, we acted with dispatch but under the law, under the Constitution.

The resolution provides the President clear authority "to use all necessary and appropriate force against those nations, organizations, or persons that he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons." In short, the President is authorized to go after those responsible for the barbaric acts of September 11, 2001 to ensure that those same actors do not engage in additional acts of international terrorism against the United States.

The authority permits the President wide latitude to use force against the broad range of actors who were responsible for the September 11 attacks. If any nation harbored the terrorists while they were in training, that nation may be subject to American military power. If a nation or organization financed the operation, they may be subject to American military power. It does not limit the amount of time that the President may prosecute this action against the parties guilty for the

September 11 attacks. We must all understand that the use of force will not be easy or quick. In extending this broad authority to cover those "planning, authorizing, committing, or aiding the attacks" it should go without saying, however, that the resolution is directed only at using force abroad to combat acts of international terrorism.

The authority granted is focused on those responsible for the attacks of September 11. The President's lawyers originally proposed that the resolved clause also include language authorizing military force to "deter and preempt any future acts of terrorism against the United States." Of course, the President has the Constitutional authority to deter terrorism through a broad range of means, including diplomatic measures, economic sanctions, seizing of financial assets, or deployment of forces. The President must also ensure that Executive Branch agencies devote the necessary resources and apply the full measure of the federal criminal laws to deter, prevent and punish terrorism. Further, the President has the authority under the Constitution to use force to preempt an imminent attack, including a terrorist attack, against the United States. Rather than purporting to extend these authorities in the resolved clause, the final whereas clause reflects these recognized powers of the President.

I suggest what others have said, and that is, the President of the United States has our prayers, he has our good wishes, and he has our commitment under the Constitution now to support him in what action he takes as defined by the authority he has. That is a big deal. It is a big deal. It is worth noting.

Lastly, I compliment the President on his patience, on his resolve, and his understanding of the need of certitude because the worst thing we can do, as he is uniting the world, is to act precipitously to meet our instinct for response immediately. I compliment him. I compliment his Secretary of State for the way he is handling this situation.

I conclude by saying that I do not see what happened on the 11th as the beginning of the end of our way of life. I see it as the beginning of the end of terrorism as it has been able to be spawned over the last three decades. The world has come face to face with the reality that nation states, no matter what their ideological disposition, are all in jeopardy. We are united in understanding that we cannot allow these networks to be spawned.

I thank my colleagues for allowing me to speak at this moment. Again, I compliment them all, Democrat and Republican, in the way we have stood united.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, today, in a bipartisan unanimous vote, we gave the President the money and the

power to make war on those who have made war on us.

We are down, it seems to me, to a stark and bitter choice: We can hunt down those who made war on us and make war on them where they live, or we can allow them to make war on us where we live. We can either change our lifestyle, limit our freedom, reduce our prosperity, or we can change the lifestyle of those who have made war on us. I am not indifferent to that choice. I subscribe to the thesis that when our enemies are on the run, they cannot have the resources and the communications to carry out the kind of terrorist war they carried out against the Pentagon and against the World Trade Center.

We have to be aware and we have to accept up front that if we go too far in limiting our freedom or our prosperity in trying to fight this war, then we are ceding the very thing the war is about. So I believe very strongly this money and this vast commitment of authority and power is meant to go after our enemies and to pursue them to the end of the earth and to never let up in that process.

I do not believe this is going to be an easy war to fight, and I believe it is going to be a costly war to fight.

Our enemies have a hate for capitalism and for democracy that we cannot comprehend or understand. I believe until they are hunted down, captured, or killed we can never reestablish the safety we felt prior to last Tuesday.

I also want to make it clear that I believe we have to choose sides in this conflict. Those countries that harbor or abet or tolerate the actions of terrorists on their soil are making war against the United States of America, and I believe that we have to hold them accountable.

Finally, I want to thank our leaders. I want to thank Senator BYRD, for working to come up with a responsible appropriation. I think it is clear that under these circumstances, the Congress would literally be willing to pass any appropriations bill and spend any amount of money. As this conflict lengthens, as other priorities emerge, as we need more resources, as we ultimately will in this conflict, we will wish we had been responsible. I think we took an important and responsible first step today. I personally believe we should set up a joint bipartisan committee with the job of overseeing these expenditures, just as the Truman Commission oversaw the expenditures of World War II. The job of this committee would not be to determine how the money is spent but to simply see it is being spent as we appropriate it; to see we are not being gouged in terms of prices when there is no competitive bidding, as there generally is not when you are doing things on an emergency basis; to try and see that we are being good stewards of the taxpayers' money and getting the return on that money in comforting people who have been

hurt, helping those who have lost loved ones, rebuilding things that have been destroyed, and prosecuting this war against our enemies.

It should be a joint bipartisan committee or commission to work with the GAO to see the money is well spent, to see it is spent for the purposes we provided it, to see we are being charged reasonable prices, and to hold people accountable for things they do under emergency situations in terms of prices that are charged. We did that in World War II. Harry Truman did an excellent job, and the country benefitted from it.

It should obviously not be something on the scale of what we did in World War II, but something similar to that would be helpful. I intend next week, when we come back, to talk about it. I hope my colleagues will look at that idea, look back at what Harry Truman did in his committee in terms of following the expenditures on the war and how well the money was being spent and holding people accountable.

I am proud of the Senate today, and I think we have a right to be proud. I believe the American people are proud. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. INHOFE. Will the Senator yield for a unanimous consent request?

Mr. BYRD. Absolutely.

Mr. INHOFE. I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from West Virginia, I be recognized for up to 15 minutes.

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

Mr. BYRD. Mr. President, I thank the distinguished Senator from Oklahoma for his courtesy toward me. He was prepared to speak before I speak. I offered to wait and have him go ahead but he said no, so I thank him.

Mr. President, I ask unanimous consent that I be permitted to speak for not to exceed 7 minutes, and I ask the Chair indicate when I have 1 minute left.

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

Mr. BYRD. I thank the Chair.

Today, the Senate passed the fiscal year 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States.

Mr. President, the emergency supplemental appropriations bill adopted earlier today is an extraordinary response to extraordinary events. It sends a strong and unmistakable message to the world that the United States is prepared to move swiftly on all fronts to respond to the horrific attacks on our citizens and our territory. The unity and determination that have propelled this bill through Congress 72 hours after the assault on America speaks volumes about the strength and resiliency of our system of government.

The supplemental provides \$40 billion, to remain available until expended, to respond to the terrorist

events of September 11, 2001. This is an extraordinary bill that responds to extraordinary events. The President has not presented the Congress with any detailed estimates of agency needs in response to these terrorist acts. This is not a criticism. Federal Government agencies, such as the Federal Emergency Management Agency, the Department of Defense, and the Corps of Engineers, are on the ground, focusing all of their attention on responding to the crisis.

Initially, the administration requested authority to spend any amount of money, for any purpose. The Constitution gives the power of the purse to the Congress. It is the Congress that has the responsibility to make sure that the needs of our people are met. This left my good friend Senator STEVENS and me with a dilemma. How do we meet the clear and immediate need for funding while protecting the prerogatives of Congress?

On Wednesday, Senator STEVENS and I joined with our Senate leaders and the House leaders at a meeting with the President to discuss our response to these evil terrorist acts. At that meeting, I laid out four goals for funding the Federal response. First, we must appropriate a specific amount for particular purposes, not a blank check, not a Gulf of Tonkin Resolution, with ill-defined goals. Second, to reinforce bi-partisan unity, we must all have trust and candor on the use of these funds. Third, the President must consult with the Congress in the allocation of the funds. Finally, there must be regular reporting to the Congress.

Mr. President, the supplemental bill that the Senate approved today meets each of those goals. The bill provides \$40 billion, all designated by the Congress as an emergency, and is contingent on the President designating the full amount as an emergency.

Funds are available to: (1) provide Federal, State and local preparedness for mitigating and responding to the attacks; (2) provide support to counter, investigate, or prosecute domestic or international terrorism; (3) provide increased transportation security; (4) repair public facilities and transportation systems damaged by the attacks; and (5) support national security.

Not less than \$20 billion of the \$40 billion is for disaster assistance and disaster recovery activities in New York, Virginia, Pennsylvania and elsewhere.

Funds are available in three segments.

The President has \$10 billion available to him after consultation with the Chairmen and Ranking Members of the Appropriations Committees.

The President has a second \$10 billion available to him after the Director of the Office of Management and Budget has submitted to the House and Senate Committees on Appropriations a proposed allocation and plan for the use of the funds, and he then must wait 15

days. This will allow the Committees to review the President's plans and make suggestions—possibly enter into some negotiations with the President or his Office of Management and Budget Director.

The President has an additional \$20 billion available only when the amounts are allocated to specific programs in a subsequent emergency appropriations bill.

Mr. President, I stress that this bill is just the first order of business for Congress. This bill deals with what has already happened but does not fully deal with it. Of course, even as scores of rescue workers continue to sift the rubble of the World Trade Center and search for victims in the shattered wing of the Pentagon, we in Congress must start looking forward. We must take steps now—today, tomorrow, next week—to re-double our efforts to intercept would-be terrorists before they can launch an attack.

As most Americans, I am amazed by the sophistication, organization, and complexity of Tuesday's attacks on the United States. This was not a casual effort or the work of a lone madman. These attacks took elaborate planning, significant manpower, and detailed knowledge of U.S. aircraft and aviation systems. I have great admiration for our nation's intelligence agencies. I believe that they provide tremendous service to our nation with the resources they have, and I know that we rarely hear about their success stories. But it is, frankly, beyond belief that such a massive and well-coordinated assault on our nation could be executed without any discernable signals. It is beyond belief that our nation, with its vast and powerful network of worldwide intelligence resources, could be caught so utterly unprepared.

It has long been acknowledged that to be forewarned is to be forearmed. Well, we have been forewarned. Now, we must focus our efforts on improving our intelligence-gathering systems so that we have a chance to thwart a terrorist plot before it can be executed, before innocent lives can be lost. The stunning attack on the heart of America's military, financial, and transportation centers has exposed our vulnerabilities.

As we move quickly to provide assistance to the victims of these horrible acts, to improve security at our airports, to rebuild the Pentagon, and to repair the devastation of New York's financial district, so must we move to rebuild our intelligence capabilities. This emergency supplemental appropriations bill is the first step in a long road that will not end in my lifetime. We must guard against being sidetracked by politics or partisanship.

There will still be politics. We have other things to do along with these matters. There will still be some politics and some partisanship, but we must not be sidetracked by politics or partisanship. Congress and the President have demonstrated this week that

in times of crisis there is no center aisle. There is no aisle between us. We can overcome our political differences and work together. Make no mistake about it, we are in a time of crisis, and it is a time of suspended crisis. We will weather this crisis, but it will last a long time. We will emerge stronger. We must work together to achieve that goal.

I close by commending Senator TED STEVENS, former chairman of the Senate Appropriations Committee, a very valued Member of this body, for his tireless strength and dedication and patriotism. I commend Representative BILL YOUNG of Florida for his dedication to purpose, for his cooperation, for his characteristic courtesy to those across the Capitol and across the aisle. I commend Representative DAVID OBEY for his tenacity and determination, his patriotism, his dedication to the separation of powers in this great country of ours—all of these people for their outstanding contribution to this extraordinary bill. I could not sit down without commending, also, the Speaker of the House, our two leaders, in particular, Mr. DASCHLE and Mr. LOTT, and our excellent staffs who have worked long hours and rendered invaluable assistance, without whom we could not succeed in this mighty effort.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Oklahoma is recognized under the previous order for 15 minutes.

Mr. INHOFE. Mr. President, I will identify myself with the remarks of the previous speaker, the distinguished Senator from West Virginia. He is a very wise man. He has thought this through. We have heard a lot of wisdom in the last few days in this Chamber.

Sometimes a child has an innocent wisdom that is more wisdom than anything we hear in this Chamber. My wife and I have four children and nine grandchildren. I can recall when my No. 2 son, who is now a hand surgeon, was very small, I was teaching him how to ride a bicycle. We have all had this experience, running beside them, and finally they are balanced and they make the first trip around the block. He came up the hill panting away. He looked at me and said: Daddy, I wish the whole world was downhill.

We know the whole world is not downhill. We think about these things. I had a phone call from my daughter, Molly, on Tuesday after this tragedy happened. She is a professor at the University of Arkansas, and a very accomplished one. She has four children—three boys and a little girl. In fact, the little girl she just adopted from Ethiopia. Her older boys are Jason, age 5; the next one is Luke, who is 3 years old. She was taking him to kindergarten.

On the way to kindergarten, they were listening to the radio. It is Ed Koch speaking from New York. He said—I believe she told me—three times in a row: We need to kill bin

Laden. We need to kill bin Laden. We need to kill bin Laden.

Little 5-year old Jason looked at up and said: Mommy, who is bin Laden?

She said: bin Laden is a very evil, bad man.

He said this. He said: Instead of killing Mr. bin Laden, why don't we do a powerful prayer, and we will build a powerful shield around him so that he cannot hear the voices of the devil. He will only hear the voice of God, and God will be in his heart.

I thought, that is the real intellect in America.

I believe that God is in the hearts of more Americans today than perhaps ever before. People realize that there is something bigger than what has been happening here on Earth.

I think because of four reasons I probably had more opportunities to respond to this disaster than others. Those four reasons are: No. 1, I am on the Intelligence Committee; No. 2, I am on the Senate Armed Services Committee; No. 3, I am a licensed pilot; and No. 4, I am from Oklahoma.

As far as being a pilot is concerned, I believe that since the retirement of John Glenn, Senator Glenn of Ohio, that leaves me as the last active commercial pilot in the Senate.

I have been called by a lot of people in the media to talk about those issues. For example, most of my pilot friends would have thought the same as I did on Tuesday afternoon before any of the details came in, that virtually anyone who knew the basics of flying could take over an airplane that is already in the air and apply those basics to go hit a target—until I heard some of the details—for example, the 757 that I believe we now know, after picking up these fragmented details—we came to the conclusion, which may or may not be right, and we have expressed them here on the floor—the 757 was headed for the White House and for some reason made a diversion, for reasons which we don't know. Maybe that was the original plan. Maybe it was something that was there that made him believe he could not make that target and he made an alternative target, which was the Pentagon. He made a very steep 207-degree turn with the 757 at a low altitude, knowing there is such a thing as a high-speed stall with a high bank.

This guy knew what he was doing. He was an accomplished pilot, and he went ahead and hit, I believe, what was the second target in his very well executed terrorist act.

Second, as far as flying is concerned, one of my closest friends is—this goes way back from the time we were in the House of Representatives together—Norman Mineta, a Democrat from California. Both of us were on the Transportation Committee. He was chairman of the Aviation Subcommittee and then the Transportation Committee. We became very close friends.

In fact, when he was appointed by President Bush, I called him up. I said: Norm, who was the only Republican

who openly supported you even over your Republican opponents during the years that you served in the House. He said: This must be JIM INHOFE.

We have had a chance to visit about this. I consider him a very close friend.

There are some obvious things that can and will happen.

One, I think we all know that we need to have secured doors for the cockpit. That goes without saying. It is very elementary and something that should probably have been done before.

Second, sky marshals: It is very important that we adopt a program so that we have sky marshals.

Third—and this has come about recently. Someone was very critical of me recently—yesterday, I believe—because I have a hold on one of our President's nominations. He nominated someone to be the Customs Commissioner.

I have to share a frustration with you. When I was in the House in 1988, when they had the Pan Am 103 disaster, JIM OBERSTAR, a Democrat, came with me as a Republican to Europe to test certain types of detection technologies out there that were better than what we had been thinking about.

We have to do something to have better detection technology used to protect American travelers and the American people.

We found several. We came back, and we were unable to get anything approved, accepted, or even tried by Customs. They were locked into old technology. They weren't going to move from that technology.

I didn't do anything until 1995 and Oklahoma City, which is the site of the worst domestic, devastating attack by a terrorist in the history of this country—until this past week. I decided, again, after that, let's see what we can do to try to get some new technology.

We discovered a technology called pulsed fast neutron analysis. It is called PFNA. This is a technology that not only shows through something, but for a sealed container, it has a three-dimensional view of what is inside. They can detect what substances are inside. They can detect the chemical composition from within.

This is a possibility. I am not saying there is a great likelihood that if we had this technology on Tuesday the tragedy might not have happened because we would have been able to detect things we could not otherwise detect.

We thought that this was worthwhile; let's go ahead and authorize it and ask the Director of Customs to have a side-by-side competition or technology competition. So we put that in some report language. Nothing happened. They didn't do it.

I spoke to the previous—I will not mention by name—Customs Commissioner in my office. I said: Will you commit to having this competition that we have directed?

He said: Absolutely. I will.

And he didn't do it. I couldn't figure out why.

It wasn't until this happened Tuesday that I thought we couldn't wait any longer. That is when I put a hold on this man because I wanted a commitment that this person who would be the Commissioner of Customs would obey the law and have the competition. In fact, we actually put it in. It is in the appropriations bill over in the House. It has \$3 million for the conduct of this competition down in El Paso, TX, and directs them to do it.

The language is very clear. I have talked to Senator DORGAN and others over here. They agree that this should be a part of it. I think Senator STEVENS would agree with that, as well as the President.

I will leave that as the commitment that we are going to try that. As technology advances, we have to advance with it.

Getting back to Oklahoma, Senator BIDEN said something a few minutes ago. He said that I am probably the only one here—prior to Tuesday—who really understands the pain that goes with a disaster like that. Me pointed towards me. This is because in 1995 we had that terrible, tragic blowing up of the Murrah Office Building. I have to say that even though a detection device would not have precluded that from happening, it reminded me of the need for detection devices.

I wouldn't expect that the next terrorist attack on America—there will be more—would come in the form of a 767 or 757. I don't think that is going to happen. But we can still have that technology in place.

I can remember at that time—I was reminded of this last night. Last night, I went to the Pentagon. There are 194—I believe at the last count—lives lost at the Pentagon, and 168 in Oklahoma in 1995. It is very analogous. I stood there. I had tears in my eyes remembering 1995. I happened to be there right after it happened and hearing the thundering march of the volunteer firemen going into the Murrah Federal Office Building before it was secure and coming out with bits of body parts; there were hands stuck in the wall; there was a lady, a doctor went in and heroically amputated her leg so she could be pulled from the rubbish. She is alive today.

I talked to Cindy Rice yesterday who lives in Oklahoma City. Her son, David, who we assume is dead today, called her. He was on the 104th floor of one of the two towers. I am not sure which one. She wasn't sure which one. He called his mother. She said to me: David has always been a very spiritual boy. Right then I detected from this story that he knew the Lord, and that he knew what was going to happen to him. And he called, really in a sense of joy, saying: "Mother, don't worry about this. I'm going to be well taken care of." Here is a guy calling, knowing he is about to die in the implosion of that building.

So these stories are out there, and we have heard so many of them. I think

we all have such a seriousness in our hearts for what happened, but I would like to say this: People ask the question, Should we declare war? There is all this talk about war. On whom do you declare war?

I think we need to stand back and look and see. Yes, we think we know that Osama bin Laden was involved in this. It is not clear cut.

I remember so well, as I am sure the President pro tempore remembers, back in 1986 when, in a discotheque in Germany, there was a terrorist attack that ended up injuring many American soldiers and killing another. At that time President Reagan was the President of the United States, and we determined that Muammar Qadhafi did it. In a matter of hours after that took place, he dispatched, in addition to other planes, the first real use of our first stealth plane, the F-111, to Libya. And they took them out. They bombed them. We have not heard from Qadhafi since then. That was 15 years ago. This is not that easy. We do not have the target out there. But we need to act just as decisively when that time comes. It would be a disservice to the American people and to our system and to America to do that before we know.

But lastly, and this is the most significant thing I want to visit with—I do not say this critically of the previous administration—I am saying that during the Clinton administration the priorities were different than they were during the Reagan administration and the Bush administration before him. He did not have the emphasis on defending America and building a strong defense.

Now, as evidence of that, I have a couple of charts I have made for this purpose. If you took the fiscal year 1993 budget, and you took all of the money that was appropriated in that budget for Labor, Health and Human Services, and Education, then that would be right at this point shown on the chart. Eight years after that, if you took the normal CPI, or any inflation figure you want to use—this is the index we use—and added for inflation, then what he would have appropriated for Labor, HHS, and Education would be this red line shown on the chart. However, this is what he did as shown on the green line. So at the end of 8 years he ended up successfully asking for the appropriation of \$150 billion above the inflation rate.

If you took Defense and you used that same model, and you started with fiscal year 1993, and took the amount that was appropriated at that time, if you added for inflation, this is where it would be today shown on the chart with the red line. However, the green line shows us the actual budget. So in that 8-year period, his request for appropriations, I say to Senator STEVENS, was \$375 billion below the inflation rate.

Those were his priorities, and he was elected President. I do not have a problem with that. But I can tell you, we

were saying all along we were getting into a very serious problem.

I began to end every speech in 1995 with this phrase. I said: We, in America, are in the most impaired and threatened position today than we have ever been in the history of America.

It was not until 1998, when the Director of Central Intelligence happened to be present, that I said this same thing in a meeting that was broadcast live on C-SPAN, when I was chairing the Readiness Subcommittee of the Armed Services Committee. I said: Mr. Director, I have been saying we are in the most threatened position today that we have ever been in in the history of America.

Mr. President, I ask unanimous consent for 5 additional minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. I thank the Chair.

And he said: You are absolutely right.

So this is the Director of Central Intelligence. Now it comes in three forms. First of all, our conventional capabilities are one-half of what they were in terms of force strength today. And the President pro tempore knows this in terms of the number of Army divisions, tactical air wings, ships dropping from 600 down to 300.

No. 2, we have had all these deployments that have taken these rare assets and put them in the position where they are no longer usable.

No. 3—this is what I am getting to right now—we were on schedule to have deployed a limited national missile defense system by fiscal year 1998. We would have done that except for the vetoes of President Clinton.

I carry with me his veto message of the 1993 Defense authorization bill when, I say to Senator STEVENS, he said: I will continue to veto any bill that has money in it for a national missile defense system because the threat isn't there.

What people do not understand is, when you take down our military, you are taking down our intelligence at the same time because the intelligence budget is tied to the Defense budget. So our quality of intelligence has deteriorated to the extent that in 1998, on August 24, when I had been asking for a response to a question—how many years will it be when North Korea has a multiple-stage rocket capability?—the answer came in a letter from General Shelton. It was dated August 24, 1998. It said it will be between 5 and 10 years. A week later, on August 30, 1998, they deployed from North Korea a multiple-stage rocket. I say that not to criticize General Shelton, but the quality of our intelligence is not good.

What is the ultimate weapon of a terrorist? The ultimate weapon of a terrorist is a missile with a nuclear warhead. I really appreciated the editorial in this morning's Wall Street Journal. I will read one paragraph out of it in just a minute. But I want to say this:

We have an opportunity now to take advantage of the fact that the No. 1 priority of America should be to defend ourselves against an incoming missile.

Now they might argue, they might say: Only China and Russia and North Korea have a missile that will reach the United States of America from halfway around the world. I think that may be true. On the other hand, we do know that Iraq, Iran, Syria, Libya, Pakistan—all these countries—have weapons of mass destruction and have at least intermediate-range missiles. So that threat is there today.

So I only say that we need to get this done and get it done today.

I am going to read just the first paragraph and one of the last sentences of an editorial in this morning's Wall Street Journal:

Can anyone doubt that if the terrorists behind Tuesday's attacks had had access to a ballistic missile, they would have used it? Why settle for toppling the World Trade Center if you can destroy all of New York in an instant, without having to go to the trouble of sneaking a crew over the border and arranging for pilot training in Florida?

... The President's plan for missile defense ought to go forward with all speed.

I would say this, and ask it in a different way: Is there any doubt in anyone's mind in America that if an individual is willing to fly a 767 into the towers in New York City, he would not be willing to deploy a missile at the United States of America?

When I remember that screen, Mr. President—and you saw it, too—of New York City, the skyline, and those two buildings imploding, if that had been a nuclear warhead, there would be nothing but a cinder, and it would not be 10,000 or 20,000 deaths; it would be millions.

I think this is an opportunity for us to make America strong again.

I yield the floor.

The PRESIDENT pro tempore. The senior Senator from Alaska.

Mr. STEVENS. Mr. President, first, I thank the President pro tempore for his kindness in his comments about me in this Chamber today.

As I sat in the chair, I was thinking about the fact that 37 years ago, approximately, at about 5:30 in the evening, I got on a plane to fly to Fairbanks, AK, along with my great friend, Lowell Thomas, Jr.

Eight minutes after we took off, the largest earthquake to hit the North American continent in recorded times occurred. Somewhere around midnight, Lowell Thomas and I had chartered a plane and rounded up some physicians and nurses, and we flew back into Anchorage, landing at Elmendorf Field near our hometown of Anchorage. And I had to walk from that airfield over to my home in South Addition.

Flying in, we saw the Anchorage International Airport, and it looked as if it had been bombed. I walked home through fissures that were still moving, some of them 20 and 30 feet deep.

That was the largest natural disaster we have had in the United States.

We have just witnessed the largest national disaster we have ever had.

All of us have had varied feelings this past week, but mine have been really concentrating on what we could do to help—those of us on the committee that the distinguished President pro tempore chairs, and I used to chair—along with our colleagues in the House.

I am delighted we have reacted in a way that shows we are prepared to finance the recovery from these disastrous attacks. As I figure it, what we have appropriated, or at least earmarked for appropriations today—some \$40 billion—is about \$160 for every man, woman, and child in the country.

It is just the beginning. It is just the beginning. I appreciate what my friend from Oklahoma just said because we have really not addressed the need for the changes in our national defense and national security apparatus. We will do that in time. I believe we may have heard for the last time our people ask us, as we are talking about spending money to restore our national defense capability, “What is the threat?”

In past years, I have constantly been asked what the threat is. I have tried to articulate that we didn’t have one single threat coming at us from a monolithic empire, the Soviet Union, but that we had asymmetrical threats that were hard to conceive. We witnessed one of those as our massive new aircraft were turned into bombs by those who are terrorists. And, obviously, as the distinguished President pro tempore said, we witnessed probably the most destructive singular command and control operation by a terrorist organization the world has ever seen.

I don’t think it is over, Mr. President. That is why today I am proud I have been able to work with the President pro tempore and our colleagues in the House, Congressmen YOUNG and OBEY, on this supplemental appropriations bill so that it starts the process of recovery and the process of being prepared—or trying to be prepared—for future attacks against this country. But more than that, the resolution we have now adopted gives the President all the necessary and appropriate authority to use force against the persons or organizations that he determines planned, authorized, committed, or aided in the terrorist attacks that occurred on September 11.

Some people say that is a broad change in authorization to the Commander in Chief of this country. It is not. It is a very limited concept of giving him the authority to pursue those who have brought this terrible destruction to our country and to pursue those who have harbored them or assisted them and conspired with them in any way. I am delighted that the resolution says that “he determines,” that the Commander in Chief is in control, in charge, to find a way to react against these people who have brought this destruction to our shores.

Mr. President, I commend you and those whom I am honored to work with

on Appropriations for having the courage to proceed. I have to say, we were talking about \$20 billion. The President met with the Representatives of New York and New Jersey and Virginia and decided that wasn’t enough. He sent word to us that he wanted \$40 billion. That, in the past, might have made all of us stumble a little bit. But I am delighted to see that all of us unanimously have said, yes, if he says he needs that much money, he should know he has that much money. We are going to review his plans and the requests of individual agencies, but we have committed \$40 billion.

Mr. President, I have to say that nations have defining moments. We had at least two in the 20th century—at the time when we entered World War I and Pearl Harbor. This is really the first true defining moment of this country in this millennium, and I am proud of the Congress.

I yield the floor.

The PRESIDENT pro tempore. The junior Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I join my colleague at this momentous time. I again recognize the President pro tempore and my senior Senator for the role they have played in bringing together the Congress and the appropriate authorization of funding to meet this crisis in our Nation.

Mr. President, on Tuesday, I think we all learned the reality that the decade of peace we have known as the post-Cold-War era probably has officially ended. Things will not be the same. During the Cold War, the map of the world could perhaps be divided into two; you were either a friend or a foe.

In the 10 years after the Cold War, the map became much more difficult to read. As we look back to Tuesday, the smoke rising from the devastation, the map is again becoming clear. We are learning, with horrifying swiftness, who our enemies in this new era will be.

Now we are faced with a task of, once again, dividing the world into two and asking the question: Are you friend or foe?

As we look at the decision that was made a short time ago by this body to authorize the use of force against those responsible for the recent attacks against the United States, we have to consider the consequences. We can only guess what they might be. Some say the only way to get to bin Laden—if indeed he is the responsible individual—is with ground troops. When people are speaking of having the stomach to do what is needed to be done, they are thinking about having the stomach to face the reality that innocent people will be killed in that process, that Americans will die. It could be bigger than just a simple operation in Afghanistan to get to bin Laden. To get any troops to Afghanistan, you have to go through Pakistan or down from the north. Would they let us? We don’t know. Would we have to initiate a

ground war from Pakistan first? We don’t know. Will other Islamic nations just stand by? We don’t know.

I think you can see where I am going. We are flirting with a world war between Islam and the West and the unknown consequences. We can only guess what bin Laden’s program is. Is this exactly what he wants? Is that why he did this, if indeed he did? Well, we can read his speeches and statements. It seems to be all right there. It seems that he really believes Islam will beat the West. He figures if he can polarize the world into Islam and the West, he has a billion soldiers.

If the West takes military action against an Islamic nation, would in fact bin Laden welcome that? What could be better from bin Laden’s point of view? This would be a war that could last for years and millions would die—not just theirs but ours. Who has the stomach for that? We know bin Laden does. But is this really what we want? Discretion is often the better part of valor, even if our stomachs hunger for more.

American leadership has not been easy. This past century saw this great country become the world’s only superpower through the grit and sheer determination of the American people—generations of American people who were called into service to lead the world back from the brink of chaos, to save civilization itself, in wars across many continents, against many terrible foes. Each time, we triumphed because of our spirit and resourcefulness but also because our cause is just and true.

We have vanquished darkness before. Now we are called upon once again to fight the enemies of civilization and the enemies of peace, the shadowy armies of evil whose cause is destruction, terror and despair.

We will not fail, nor will they succeed.

Today’s resolution approving the use of force is the call to arms against our foe in this new, uncertain era. Our enemies have unleashed upon themselves the dogs of war.

Mr. President, in peace, American leadership has not always been appreciated by our fellow nations. We have been dismissed as naive, frivolous, and wasteful. We have been ridiculed for our championship of human rights, tolerance, and fairness. We are criticized for leading in peace, and we will face much greater challenges leading in a war. As we hunt down the murderers, the terrorists, as we go to the heart of darkness to rip out the roots of terror, and the systems that breed terror, we face an elusive and deadly enemy.

Our friends, our allies, and those not as committed to this fight as are we will challenge our leadership. We need them at our peril. Leadership can be a lonely business.

My own State of Alaska, far from the battlegrounds of this fight, far from New York City, far from Washington, DC, is going to play an important role. Elmendorf, Eielson, Ft. Wainwright,

Ft. Richardson and surrounding communities will no doubt play a key role in winning this war. Located just 8 hours from New York, the Mideast, and the Asian subcontinent, Alaska has been a strategic keystone in our nation's defense for the last 50 years. Alaska will now be an offensive keystone in the battles to come. I can assure you, Mr. President, Alaskans and our adopted sons and daughters in uniform will be up to the task.

I thank the Chair. I yield the floor.

Mr. DODD. Mr. President, earlier today the Senate voted unanimously to authorize the President to use all necessary and appropriate force to respond to the attacks launched by terrorists on Tuesday. Those responsible for these heinous attacks must never be allowed to do so again. For that reason we have also taken note of the President's authority to deter and prevent acts of terrorism against the United States, consistent with provisions of the War Powers Act. There may be times when the President must act swiftly to preempt an imminent act of violence. In such cases, he may not be able to consult closely with Congress beforehand. However, as a general rule, in the exercise of the authority that we have just approved, it is my expectation that the President and his advisers will consult with the Congress before taking action is contemplated by the War Powers Act.

Equally important, the U.S. Senate also voted unanimously to appropriate, on an emergency basis, some \$40 billion in additional resources to enable New York City and the Washington, DC, area to cope effectively with the aftermath of the devastation wrought by those attacks. In addition, we have provided resources to enable the United States to counter domestic and international terrorism, enhance transportation security, and to undertake additional programs to enhance our national security.

We have taken up and passed these two measures on an expedited basis because our national interests dictate that we do. The House will do so later today as well. The Congress has an obligation to reassure the American people that their government is working to do everything in its power to protect them from such heinous acts in the future, as well as to provide funding so that the cleanup and rebuilding efforts can proceed as quickly as possible.

I believe that we are all in agreement that those individuals who were responsible for the premeditated murder of so many of our citizens must be found and stopped from ever conducting such actions again. Anyone who has aided, abetted or continues to harbor these terrorists is a terrorist as well. So too are those who knowingly facilitate the financial transactions that keep their organizations in business. While we do not know with 100 percent certainty that Saudi-born militant Osama bin Laden is the mastermind of this latest tragedy, we know

full well based on past experience that he is fully capable of doing so. The President has directed that all of our intelligence resources be brought to bear to develop credible evidence as to who was in fact responsible. I am confident that we will have much better information in that regard in the very near future. And, when that moment arrives I believe we will act appropriately, consistent with our principles and values.

Sadly Osama bin Laden is not the only individual who harbors irrational hatred against the United States. Many others around the globe do as well. I would call to the attention of my colleagues a very important article that appeared in today's Washington Post entitled "Zinni Urges Economic and Diplomatic Moves." In that article, ret. General Anthony C. Zinni cautions against an approach that is single pronged in attempting to eradicate terrorist organizations. An approach of simply bombing them back to the stone age may have appeal to some, but will, according to General Zinni, only perpetuate the problem by inflaming Anti-American sentiment in the Muslim world. Zinni urges the Bush administration to accompany any military action taken against Afghanistan or other states that harbor terrorists, with economic and diplomatic measures as well. Other governments in the region, Pakistan, Iran, Yemen, and Saudi Arabia, must be prepared to assist the United States in this multifaceted strategy.

There is another element to the problem of countering international terrorism over the longer term, namely the Middle East conflict. That conflict has fueled the hatred, sense of injustice, and hopelessness that has provided and will continue to provide the foot soldiers of the Osama bin Laden's of this world. The Bush administration must make resolution of the Middle East conflict a higher priority than it has to date. Only with United States leadership will we galvanize our allies in Europe, and moderate Arab States to bring sufficient pressure to bear on the Palestinians to stop the violence and come back to the bargaining table so that a formula can be found that will permit Israelis and Palestinians to live in peace. Only with peace will we be able to prevent the emergence of another generation of terrorists imbued with a burning hatred of the United States.

REIMBURSEMENT FOR NEW JERSEY

Mr. TORRICELLI. Mr. President, I want to thank the President and the leadership of the Congress for their support and immediate response to the tragic events that have transpired over the past few days. While the attack on the World Trade Center physically occurred in New York City, the emotional physical, and financial tolls will be felt throughout the Metropolitan area but especially in northern New Jersey.

I have heard estimates that over 50 percent of the people employed at the

World Trade Centers were New Jersey residents.

The Port Authority which is headquartered at the centers is a joint, bi-State New York/New Jersey agency that coordinates infrastructure needs for the airspace, mass transit, and commuter needs of our area. When the port rebuilds, it will rebuild as a joint entity.

Fire, medical and emergency personnel and equipment, as well trades workers and their heavy equipment, hospitals and triage centers as well as transportation equipment shuttling the wounded and rescuers all have emanated from New Jersey communities.

Let me share with my colleagues a few examples.

Six hundred wounded were transferred to New Jersey hospitals for treatment. Jersey City Medical treated 150 people; 21 were admitted overnight; St. Francis Hospital/St. Mary's in Jersey City treated 50 people and UMDNJ in Newark treated and released 17 victims.

The New Jersey State Police mobilized 40 boats to ferry victims across the Hudson River and State Troopers have been sent to sort through rubble. New York Waterway has put all 24 of its ferries into service, transferring free of charge an estimated 200,000 people.

The New Jersey National Guard established a field hospital at Liberty State Park that evaluated 2,600 people. At the Meadowlands, a makeshift hospital with hundreds of ambulances and 50 surgeons was created.

The Jersey City Fire Department sent 4 fire trucks and Union County has sent 24 fire trucks and over 100 firefighters. The city of Trenton has sent 10 ambulance/paramedic teams. Middlesex County send 42 ambulances, 20 fire trucks and 70 police officers. Burlington County in southern New Jersey sent 20 ambulances.

The Elizabeth Urban Rescue Team which specializes in confined spaces rescue has been there from day one on 24-hour rotating duty because the heroic New York City teams were wiped out in the first minutes. The cost of this effort has already reached \$150,000. Regular fire personnel from Elizabeth have been dispatched to Staten Island to free Staten Island Fire personnel to go to the World Trade Center site to help.

The Sheriff's and Prosecutor's Office in Hudson County which is directly across from New York City has conservatively incurred \$50,000 in expenses. In Jersey City there are 60 officers working full time and countless numbers of fire fighters and equipment manning a major supply effort to New York via the Jersey City waterfront. The North Hudson Regional Fire Co. has spent over \$150,000 on overtime, personnel, and equipment.

Mr. BYRD. There are many more examples of the selflessness and sacrifice taking place, not just from New Jersey but across the country.

I appreciate that the physical attack did not occur on New Jersey soil and that is why New Jersey is not referenced in this emergency appropriation as a location where the terrorist attack occurred as New York, Virginia, and Pennsylvania are listed.

However, it is important to acknowledge and fully appreciate the human and financial expenses being incurred by the neighboring areas and that these areas be able to apply directly to the Federal Government for reimbursement.

Mr. President, it is my understanding that the specific State listings in the supplemental specifically refer only to the physical locations where the attacks occurred and do not establish an exclusive list of areas eligible for financial assistance from this Federal aid package.

Mr. CORZINE. I want to first associate myself with the remarks of my colleague from New Jersey and I would further appreciate the opportunity to clarify one additional point with my colleague from West Virginia. I understand that New Jersey was not listed because an attack did not physically occur there; however as my colleague, Senator TORRICELLI has stated, our State and communities have incurred significant human and financial costs in responding to this disaster.

I would appreciate your acknowledgement that the State of New Jersey or its local communities who have incurred expenses in the relief effort, will be able to apply directly to the Federal Government for the assistance provided under this aid package.

Mr. BYRD. It is my understanding that New Jersey is eligible to apply for any authorized disaster relief program in the same manner and under the same conditions as New York, Connecticut, Virginia, and other affected States.

Mr. TORRICELLI. I appreciate Senator BYRD's statement and the opportunity to clarify this issue.

Mr. CORZINE. I similarly appreciate Senator BYRD's statement clarifying this concern, as well as all his work.

MOMENT OF SILENCE

The PRESIDENT pro tempore. The Senate will now, in memory of those whose lives have been lost and those who still live but who suffer from the loss of loved ones and friends, entertain a moment of silence.

(Moment of silence.)

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDENT pro tempore. The Senate will stand in recess awaiting the call of the Chair.

Thereupon, the Senate, at 12:02 p.m., recessed subject to the call of the Chair and reassembled at 2:10 p.m., when called to order by the Presiding Officer (Mr. JEFFORDS).

The PRESIDING OFFICER. The Senator from Kansas.

MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators allowed to speak for up to 5 minutes.

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

A UNITED RESPONSE

Mr. BROWNBACK. Mr. President, this morning the Senate passed a historic resolution. The resolution passed granting the President broad authority and power to prosecute a war against terrorism and those who house terrorists.

It is important we talk about that from the standpoint that this is a war as no other we have been in where the enemy is one who can attack and has attacked on our soil, who will use means and methods of terror, which is the tool of choice for the terrorists, and try to debilitate us by fear.

We should not succumb to fear. We should not allow fear to take over but, rather, have faith in our system and faith in God above that we will prosper and persevere.

Many terrorists have networks that are headquartered throughout central Asia, South Asia, and the Middle East. It is wise for us to go after these terrorist organizations. It is absolutely right for us to do so.

We need to build alliances with people throughout these regions, and they are available to us if we move wisely and successfully. The State Department has done a nice job thus far, and I congratulate Secretary Colin Powell and Rich Armitage, the No. 2 person in the Department, and others, for reaching out to many countries in that part of the world and saying: Look, it is time to stand up and be counted. You are either with us or against us, and we want to know what it is, and there will be consequences that will flow from that decision.

It appears a number of these countries are standing up and saying: We are with you; this global scourge of terrorism hits us on a daily basis as it just hit you with such a devastating force on September 11.

I think it would be wise for us to look at this very seriously, that before we move forward, we build these alliances with a number of nations that are willing to stand up with us and be heard. That is very possible for us to do.

We need to look to nations such as Uzbekistan, Kazakhstan, nations that are not in the common lexicon perhaps of geography of the American student or maybe even the American political student. These are countries formed out of the fall of the Soviet Union, and they sit in direct proximity to Afghanistan, which has been the headquarters for some period of time of Osama bin Laden.

If these nations want to work with the United States, we ought to work

with them. It requires us to look at them with a new set of eyes and say: OK, we put a lot of demands and pressures on you at different points, and now we have one singular focus, and that is to deal with terrorism; we want to work with you on that. I think we will get their cooperation.

They also will say: We want the United States to work with us, building the economies and abilities of our people. So there is going to be an exchange and a push back and forth that, in many ways, will help strengthen our standing and our relationship with many of these nations.

We have recently been on a diplomatic effort with India. That is proper and good and should continue. There are sanctions that need to be lifted in this region. Pakistan is going to be a key country, as we have already seen, and discussions are taking place already. Pakistan will be a key country. We have gone to them and said: OK, stand up and be counted with us or be counted with the other side.

We believe Pakistan will strongly come along our way. We have had our share of differences, certainly after the cold war. Pakistan was there with us in bringing the Soviet Union down when the Soviet Union was engaged in Afghanistan. I think Pakistan will be with us again. We have to look at how we work with them. They are going to say: OK, there are a series of sanctions you have on us; we want to talk about that as well.

We should engage those discussions. Hopefully, that will be a way we can build these nations together. That would be a good and appropriate thing to do.

I want to point out some history regarding Afghanistan. Some suggest we go in and start bombing. There have been a number of nations, great nations over history, that have tried to go into Afghanistan, and there has been great difficulty going into Afghanistan, whether it was the British or whether it was the Soviet Union, which could merely drive into Afghanistan with huge amounts of weaponry and force and still was not able to put the proud people of Afghanistan under their pressure and army.

To think we can just drop bombs or drop a few troops into Afghanistan and that country will succumb to our pressure does not read correctly the history of that proud nation.

The Taliban has been a scourge on that country, as they have been on the world. We have to look very wisely and carefully at how we are going to deal with Osama bin Laden and other terrorist organizations that are headquartered in Afghanistan.

This is going to take some time, and I hope our people are cognizant of those lessons of history and are cognizant of what we are dealing with. This may take some time, planning, and thoughtfulness as we build the alliance with countries in that region, as we do the give-and-take to get them on

our side and with them saying: OK, we need you to work with us as we build up our nations as well and as we plot long-term strategy to be able to get at these terrorist groups that are headquartered in a very difficult nation.

This is not the sort of thing we are going to do from 30,000 feet in the air, dropping bombs or launching cruise missiles and hoping we get it done. This is going to take some period of time to build the alliances we will need.

It is a different alliance than we have formed in the past. It is an alliance to put the tools in place, the human intelligence, the ability to get at these dens of iniquity, these evil groups that would perpetrate these crimes on this country and across the world.

Then we are going to have to go in and dig them out one at a time. This is not the Persian Gulf war or any other war in which we have been. If done properly and well focused, we can be very successful in this effort. It is going to require time, focus, prudence, and determination, and the mettle of this country will be tested. But we are going to be successful in the long run. We could be here for some period of time talking about this.

Mr. President, I wanted to rise to say that because the resolution we passed this morning was quite broad based. It was an expression of the people of the United States, and I think a good expression of the desires of the people of the United States.

I do not want people to think this will be done later this year and we are finished with it. This will take a long period of time. These terrorist organizations operate in a number of countries, and they have substantial assets in at least 10 different nations. We could well be going at that for some period of time.

NATIONAL DAY OF PRAYER AND REMEMBRANCE

Mr. BROWNBACK. Mr. President, the National Day of Prayer and Remembrance was held at Washington National Cathedral. What a beautiful service to recognize and remember those who lost their lives and the families who mourn them and those who are still missing. We ended it by singing the Battle Hymn of the Republic, with which everybody is familiar.

Most people are familiar with the first verse, maybe the last verse, but not some of the rest of the text. Remember, this is the great hymn of the Republic during the time of strife between the States and where we had a war between ourselves, brother against brother, in this land. This was the fight song.

As we sang that song, it was as if we were sending our Nation off to war. I want to read the words to the middle verse, the third verse of this hymn that is not familiar to most people, but the words are so strong and striking.

I have read a fiery gospel writ in burnish'd rows of steel; as ye deal with My contemners, so with you My grace shall deal; let the Hero, born of woman, crush the serpent with His heel; since God is marching on.

"I have read a fiery gospel writ in burnish'd rows of steel." I hope that our enemies, the terrorists in the world, read that writ we have issued today written in burnished rows of steel. We are resolved. We are united. We will win. We will do whatever it takes to win, while our God is marching on.

I yield the floor.

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. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

2001 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

The PRESIDING OFFICER. Under the previous order, H.R. 2888, just received from the House, is read a third time and passed, and the motion to reconsider is laid upon the table.

The bill (H.R. 2888) was read the third time and passed.

EXECUTIVE SESSION

NOMINATIONS PLACED ON THE EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session and that the Commerce Committee be discharged from further consideration of the nominations of Ellen G. Engelman to be Administrator of the Research and Special Programs Administration at the Department of Transportation, and Kirk Van Tine the General Counsel of the Department of Transportation, and they be placed on the Executive Calendar.

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

NOMINATION OF BRUCE COLE, OF INDIANA, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES

NOMINATION OF JOHN W. GILLIS, OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE OF VICTIMS OF CRIME

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of the nomination of Bruce Cole to be the Chairperson of the Na-

tional Endowment for the Humanities and that the Judiciary Committee be discharged from the consideration of the nomination of John W. Gillis to be Director of the Office of Victims of Crime; that the nominations be considered and confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and any statements therein be printed in the RECORD.

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

The nominations considered and confirmed are as follows:

NATIONAL ENDOWMENT FOR THE HUMANITIES

Bruce Cole, of Indiana, to be Chairperson of the National Endowment for the Humanities for a term of four years.

JUDICIARY

John W. Gillis, of California, to be Director of the Office of Victims of Crime.

NOMINATION OF JOHN GILLIS

Mr. LEAHY. Mr. President, yesterday the Judiciary Committee conducted confirmation hearings that included the President's nomination of John Gillis to direct the Office for Victims of Crime at the Department of Justice. These hearings had been scheduled long before the tragic events of Tuesday, September 11, 2001. This was the first hearing of the committee since the terrorism Tuesday morning that prompted the postponement of hearings on Tuesday and Wednesday.

Mr. Gillis had come from California before air traffic was suspended on Tuesday. Also included in the hearing were judicial nominees from New York-Connecticut and Mississippi who were able to drive to Washington in order to participate in the hearing. I thank Senator MCCONNELL for serving as the Ranking Republican.

Mr. Gillis described his background in law enforcement as a police officer with the Los Angeles Police Department and his work with the New York Port Authority. We also heard first hand of the tragic loss of his daughter and of his work on behalf of homicide victims and other victims of crime.

We discussed the outstanding staff of the Office for Victims of Crime, the important work in which they are engaged, and the incredible challenges that Mr. Gillis and that office will face.

I have worked closely with Mr. Gillis' predecessor in the Office for Victims of Crime for several years. With Aileen Adams, I worked on victims legislation to assist in our response to the bombing of the Alfred P. Murrah Building in Oklahoma City in April of 1995. Indeed, I sponsored the Victims of Terrorism Act amendment when the Senate considered anti-terrorism legislation in June 1995 and I continued working to ensure that legislation remained part of the Anti-Terrorism and Effective Death Penalty Act, which was finally enacted on April 24, 1996.

Thereafter, we worked on special appropriations to assist the victims of

the Oklahoma bombing and special legislation to ensure their rights in connection with the trial. Last year, working with Katherine Turman, we were able to enact improvements to our 1995 legislation for victims of terrorism in order to double the cap on the Victims of Crime Act emergency reserve fund to \$100 million and provide greater flexibility to the Office for Victims of Crime to use the emergency reserve in carrying out programs that assist victims of terrorism and mass violence.

In addition, over the years I have worked with Senator Specter and others on a series of legislative actions to provide financial and educational benefits to federal and state public safety officers killed or injured in the line of duty, including educational benefits for their dependents.

We will be reviewing all of these provisions in the days and weeks ahead in the wake of the devastation of Tuesday.

Although nominees to head the Office for Victims of Crime traditionally have not always participated in a confirmation hearing, I wanted to include Mr. Gillis at a Senate hearing to highlight the importance of the work of this Office, the critical importance of crime victims' rights, and the assistance and compensation provided by the Federal Government.

Along with other Senators strongly committed to assisting crime victims and protecting their rights, I reintroduced the Crime Victims Assistance Act of 2001 in April of this year. In preparing our bill, we consulted closely with a number of victims organizations and with the Office for Victims of Crime. That legislation, which enhances the rights and protections of victims of crime, establishes innovative new programs to help promote compliance with State victim rights laws and improves the manner in which the Crime Victims Fund is managed and preserved, is an important matter and a high priority for me. I was heartened when Mr. Gillis pledged to work with us on this initiative.

Toward the end of yesterday's hearing, I suggested that I would try to clear the nomination of John Gillis to be Director of the Office for Victims of Crime on an extraordinary and expedited basis. I noted that Attorney General Ashcroft had, on the eve of the nomination hearing, called me at home in support of this nomination. Yesterday I requested that the Majority Leader proceed to the nomination and that the Senate confirm John Gillis. I thank the Majority Leader for taking action and I want to thank all Democratic Members of the Senate and my colleague from Vermont for approving that request. In these difficult days, confirming Mr. Gillis to head the Office for Victims of Crime so that he may lend his hand to the efforts of those working so diligently in that Office and in State and local government and private efforts in New York, Virginia and around the country, is a small but sig-

nificant step that the Senate can and should take.

I am gratified that overnight whatever problem or concern had threatened to delay Senate action on this nomination has been resolved. I thank all Senators for their willingness to move forward under these extraordinary circumstances to confirm John Gillis to be Director of the Office for Victims of Crime. In particular, I thank the senior Senator from Oklahoma (Mr. NICKLES) for his effort to clear this nomination for expedited Senate action today. His personal intervention helped make this possible. I have had the privilege of working over the years with Senator NICKLES on victims legislation. He has shown again today his commitment to the interests of victims of crime and terrorism.

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the following nominations be considered en bloc: Calendar Nos. 363 through 383; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Richard R. Nedelkoff, of Texas, to be Director of the Bureau of Justice Assistance.

DEPARTMENT OF EDUCATION

Brian Jones, of California, to be General Counsel, Department of Education.

DEPARTMENT OF JUSTICE

Paul J. McNulty, of Virginia, to be United States Attorney for the Eastern District of Virginia for the term of four years.

Patrick Leo Meehan, of Pennsylvania, to be United States Attorney for the Eastern District of Pennsylvania for the term of four years.

Stephen Beville Pence, of Kentucky, to be United States Attorney for the Western District of Kentucky for the term of four years.

Michael J. Sullivan, of Massachusetts, to be United States Attorney for the District of Massachusetts for the term of four years.

Joseph S. Van Bokkelen, of Indiana, to be United States Attorney for the Northern District of Indiana for the term of four years.

Gregory F. Van Tatenhove, of Kentucky, to be United States Attorney for the Eastern District of Kentucky for the term of four years.

Colm F. Connolly, of Delaware, to be United States Attorney for the District of Delaware for the term of four years.

Michael G. Heavican, of Nebraska, to be United States Attorney for the District of Nebraska for the term of four years.

Thomas B. Heffelfinger, of Minnesota, to be United States Attorney for the District of Minnesota for the term of four years.

Roscoe Conklin Howard, Jr., of the District of Columbia, to be United States Attorney for the District of Columbia for the term of four years.

Mary Beth Buchanan, of Pennsylvania, to be United States Attorney for the Western District of Pennsylvania for the term of four years.

Peter W. Hall, of Vermont, to be United States Attorney for the District of Vermont for the term of four years.

DEPARTMENT OF STATE

John D. Negroponte, of the District of Columbia, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

John D. Negroponte, of the District of Columbia, to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations.

Laura E. Kennedy, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Turkmenistan.

Marcelle M. Wahba, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Arab Emirates.

Ronald E. Neumann, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Bahrain.

Patrick Francis Kennedy, of Illinois, a Career Member of the Senior Foreign Service, Class of Career Minister, to be a Representative of the United States of America to the United Nations for the U.N. Management and Reform, with the rank of Ambassador.

DEPARTMENT OF DEFENSE

The following named officer for appointment as the Chairman of the Joint Chiefs of Staff and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 152:

To be general

Gen. Richard B. Myers, 0000.

NOMINATION OF JOHN NEGROPONTE

Mr. DODD. Mr. President, yesterday the Foreign Relations Committee held a hearing to consider the nomination of John Negroponte to be the U.S. Permanent Representative to the United Nations. I was unable to attend yesterday's hearing because I was with my wife Jackie attending the birth of our daughter Grace.

I believe that it was very important yesterday that the Committee hearing focused in part on a careful review of new information that has come to light related to Ambassador Negroponte's tenure in Honduras during 1981-85 to see whether Congress had been kept fully informed about all aspects of U.S. policy with respect to Honduras during his watch.

I recognize, that this is not a normal week for the Senate or for the American people. President Bush has indicated that he wants the United States to be represented by an Ambassador at the United Nations as quickly as possible, particularly in light of this week's tragic events. I don't disagree with that view.

However, the Foreign Relations Committee did have a responsibility to review the questions raised in connection

with this nomination. They discharged that responsibility yesterday. The Committee has proceeded expeditiously, professionally and fairly with Ambassador Negroponte's nomination. It requested and receive documents from the State Department and CIA. Those documents were reviewed, consisting of several thousand pages, the committee proceeded with the hearing yesterday and today the Senate is ready to act. There have been no undue delays.

Let's review the time line of this nomination to date. The President announced his intent to nominate Ambassador Negroponte for the U.N. post on March 6. The nomination was not submitted to the Senate, however, until May 14, nearly four months into the Administration, by contrast, Madeleine Albright was nominated for the U.N. post on January 20, 1993 and confirmed six days later.

On May 3, over a week before the nomination was submitted, the Committee Democrats wrote the President to request that the Administration provide documents to the Committee so it could review issues related to Negroponte's tenure in Honduras. On May 8, Committee staff submitted a list of requested documents to representatives of the White House and the State Department. The last document responsive to the original request of May 8 was not provided, however, until late July. The Committee staff reviewed several thousand pages of documents responsive to the request and determined that a number of documents which were still classified contained important information on questions raised about Ambassador Negroponte's tenure in Honduras.

The chairman of the committee then requested that the State Department and CIA undertake a review of documents within the committee's possession that remained classified with a goal of making public as much information as possible in order to shed additional light on what role if any the United States played in the human rights abuses that were perpetrated against the Honduran people in the first half of the 1980s, and specifically what knowledge or involvement the United States Ambassador, at the time Mr. Negroponte, had in those abuses. The committee also offered to begin hearings prior to the August recess on U.N. issues, with another hearing to follow in September on issues related to Negroponte's service in Honduras. The administration chose to wait until September to begin the hearing process. So we are talking about a period of approximately fourteen weeks of working days of the Senate from the time the nomination was submitted until today. This compares quite favorably when compared to the Holbrooke nomination which took from February 1999 to August 1999.

Some conservative columnists have suggested that I and others are trying to re-fight the Central America con-

flict of the 1980's. Nothing could be further from the truth. Rather, I would argue that there is an effort underway in some quarters to rewrite the history of U.S. involvement in that conflict and sweep under the rug how politically painful and damaging that policy was. In the early 1980's, the Congress and the American people were told that the United States had no involvement in using Honduras in as a staging ground for a convert Contra program to overthrow Nicaragua's Sandinista government. Later, when the so called second Boland amendment cutting off assistance to the Contra was passed we were told that the United States was not violating that provision of law. That of course proved to be untruth as the Iran Contra Investigation demonstrated. Similarly we were told that the Honduran military was not as a matter of policy violating human rights of its citizens or that the Salvadoran High Command had no known or culpability for the torture and murder of the American church women or the Jesuit priests. Of course we now know that none of that was in fact true. It is indisputable that this fabric of untruths and half truths caused deep fissures in the Congressional-Executive branch relationship and in the trust of the American people in their government. Those fissures will only be fully healed if there is honesty and full candor between the Executive and the Congress.

Our policy was also controversial throughout Central America. Tens of thousands of Central Americans lost their lives during the 1980's, many at the hands of their own governments. Tens of thousands more had their lives permanently marred by losses of loved ones. Fortunately, in 1987 Central American leaders took their fate into their own hands and crafted the Central America Peace Agreement. President George H. Bush, upon coming to office in 1989 embraced the peace agreement and reached out to the Congress in order to de-politicize Central America. Elections followed in Nicaragua, as did a negotiated settlement to the civil conflict in El Salvador. Honduras ceased to be a staging area for the U.S. backed contras. El Salvador and Honduras have undertaken to come to grips with the past by attempting to investigate and assign responsibility for the atrocities that occurred in their respective countries as an important step in the process of peace and reconciliation.

Since Ambassador Negroponte was last confirmed by the Senate as Ambassador to the Philippines in 1993, a great deal of new information has come to light about the nature and extent of human rights abuses during his tenure in Honduras. This information also raised questions about the appropriateness of the U.S. Embassy's response and about whether Ambassador Negroponte had been forthright with the Committee in 1989 when I asked him questions about these matters.

How has this new information come to light? It is the result of a number of investigations into this subject from 1992-1998: First in 1992, Leo Valladares, the Honduran National Commissioner for the Protection of Human Rights undertook to catalog the disappearances and other human rights abuses that occurred in Honduras in the eighties. That investigation is still ongoing. Prompted by the Valladares investigation the Baltimore Sun's undertook its own year long investigation which resulted in 1995 in a four part series detailing human rights abuses by a special Honduran military intelligence unit, the so called Battalion 316, and U.S. embassy links to that unit, and knowledge thereof. In 1996, this led CIA Director John Deutch to establish a Special Working Group within the agency to assess whether the allegations raised by the series were valid. Finally, the CIA Director tasked the CIA's Inspector General to resolve specific questions raised by the Working Group as it related to the death of an American citizen, Father James Carney, and about the CIA's relationship with members of the Honduran military who may have committed human rights abuses before or doing that relationship.

The picture that emerges in analyzing this new information is a troubling one. Some of the key facts that the Committee put on public record during yesterday's hearing thanks to the cooperation of the State Department and CIA are the following: One, during 1980-84, the Honduran military committed most of the hundreds of human rights abuses reported in Honduras. These abuses were often politically motivated and officially sanctioned; two, Honduran military units were trained by the U.S.—members of these units have been linked to death squad activities such as killings, disappearances, and other human rights abuses; three, the CIA's reporting of human rights abuses was inconsistent. Reporting inadequacies precluded CIA headquarters from understanding the scope of human rights abuses; four, the responsibility for monitoring and taking action against domestic subversion in Honduras was first the responsibility of a special unit of the Public Security Forces, FUSEP; five, at the recommendation of a joint U.S./Honduran military seminar, this responsibility was transferred in early 1984 to a new unit (which came to be known as Battalion 316) under the supervision of the Military Intelligence Division of the Armed Forces General Staff; and six, the FUSEP special unit and Battalion 316 counter terrorist tactics included torture, rape and assassination against persons thought to be involved in support of the Salvadoran guerrillas or part of the Honduran leftist movement; seven, as many as 250 instances of human rights abuses in Honduras are officially documented, including disappearances, torture, extra judicial killings; and eight, at least one death

squad was known to have operated during 1980-84. This death squad was called ELACH, The Honduran Anti-Communist Liberation Army. There is information linking this death squad to chief of the National Intelligence Directorate of the Honduran Public Security Forces.

When Ambassador Negroponte came before the committee in 1989 in the context of his nomination to the position of US Ambassador to Mexico, I asked him a number of questions related to his tenure in Honduras, two questions dealt with human rights. Given what we know about the extent and nature of Honduran human rights abuses, to say that Mr. Negroponte was less than forthcoming in his responses to my questions is being generous. I would ask that the my exchange with Ambassador Negroponte during that hearing in printed in the RECORD at this point.

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

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

EXCERPT FROM HEARING RECORD

Senator DODD. That Battalion 316, I said "alleged," but, in fact, was that a death squad? Was that the name of a death squad operating either within the Honduran military or with their approval?

Ambassador NEGROPONTE. I do not recall knowing it as the 316th Battalion. In fact, some of what I am saying now may be based on trying to reconstruct events after having discussed this issue with individuals long after the fact, for example, when Mr. LeMoyné wrote his story. But I recall it to have been an intelligence unit.

Again, I have never seen any convincing substantiation that they were involved in death squad type activities.

Mr. DODD. I know there will be those who say, that it isn't terribly important that the Honduran military committed human rights abuses more than fifteen years ago in some cases. Moreover, in relative terms those abuses in Honduras paled in comparison to what to else where in Central America. My response to that is that the Senate has a duty and responsibility to be a partner in the fashioning of U.S. foreign policy, and the only way it can be a full partner is if we in this body are kept fully informed. When it came to our ability to be full partners with respect to U.S. toward Honduras or elsewhere in Central America, I would tell you that we were unable to do that because we were flying blind.

It gives me great pause as I ponder how to vote on this nomination to think that someone as intelligent and capable as Ambassador Negroponte would treat this committee and this body so cavalierly in his responses to my questions. I wonder who he thinks he works for?

I was also troubled by Ambassador Negroponte's unwillingness to admit, that as a consequence of other U.S. policy priorities, the U.S. embassy, by acts of omissions ending up shading the truth about the extent and nature of

ongoing human rights abuses in the 1980s. Moreover, in light of all the new information that I have just mentioned, I do not know how Ambassador Negroponte can continue to believe that it was simply "deficiencies in the Honduran legal system coupled with insufficient professionalism of law enforcement authorities that "led at times to abuses of authority by Honduran police officials." And, quoting his written answer to a committee question on this subject that, "I did not believe then, nor do I believe now, that these abuses were part of a deliberate government policy."

The InterAmerican Court of Human Rights had no such reluctance in assigning blame to the Honduran government during its adjudication of a case brought against the Government of Honduras by the InterAmerican Commission on Human Rights in 1987. In deciding the case of Honduran citizen Velasquez Rodriguez the Court found that "a practice of disappearances carried out or tolerated by Honduran officials existed between 1981-84." And, as I mentioned earlier, based upon an extensive review of U.S. intelligence information by the CIA Working Group in 1996, the CIA is prepared to stipulate that "during the 1980-84 period, the Honduran military committed most of the hundreds of human rights abuses reported in Honduras. These abuses were often politically motivated and officially sanctioned."

Moreover, Mr. Negroponte should have been forewarned to look for signs of government sponsored human rights abuses in light of concerns that his predecessor Ambassador Jack Binns, a career foreign service officer, had raised with the State Department concerning the mind set of the architect of Honduras' domestic countersubversion program with respect to a willingness to extrajudicial means in the context of such programs. Ambassador Binns was speaking about General Gustavo Alvarez who became Commander in Chief of the Honduran Armed Forces in 1982, and who had been Commander of Honduran Public Security Forces, FUSEP, from 1980-82.

Based upon the Committee's review of State Department and CIA documents, it would seem that Ambassador Negroponte knew far more about government perpetuated human rights abuses than he chose to share with the committee in 1989 or in Embassy contributions at the time to annual State Department Human Rights reports. For example, a Negroponte cable summarizing meetings between Congressman Solarz and Honduran government officials in January 1985 makes note of a Honduran official's concerns about future human rights abuses due to "fears that there might still be some "secret operating cells" left from the Alvarez era," here referring to General Alvarez who had headed the Honduran armed forces until he was removed in 1984 by his fellow officers.

I don't quite know the difference between a "death squad" and "secret op-

erating cells", but since Ambassador Negroponte is officially on record as saying that no death squads existed in Honduras during his tenure, there must be some difference.

There are also discrepancies with respect to when he became aware of certain cases where Honduran authorities were secretly detaining and torturing Hondurans suspected of subversion. And how he chose to report those cases to Washington. The case of dual national Ines Consuelo Murillo comes most readily to mind. Her detention and torture was described in detail on April 15, 1995 in the Baltimore Sun.

These are but a few examples. There were others which taken together, paint a very mixed picture of whether the U.S. embassy was doing much to discourage Honduran government practices or how comprehensively it was collecting and reporting on such abuses. Having said that, there were no "smoking guns" in the documents that have been provided to the Committee.

I know that this week is not just any week. I also know that the President is anxious to have an ambassador at the United Nations is a high priority, particularly in light of recent events. I will not stand in the way of the Senate moving forward with this nomination. I believe that yesterday's decision by the Committee on Foreign Relations to put on the public record all the additional declassified information that it has compiled in reviewing this nomination will contribute to the healing and reconciliation that is still ongoing in Honduras.

Finally I would say a word of caution to other career foreign service officers, particularly junior officers, that they not consider this nominee's lack of candor before the committee as a model to be emulated. A United States Ambassador is a representative of the United States Government and ultimately works for the American people. That means that our ambassadors have an obligation to be truthful and forthcoming in relations with Congress as we are the people's representatives. If they are under instruction to withhold information as a matter of policy they should say so. Then, we can take it up with their superiors if we choose to do so. In my estimation, Mr. Negroponte did neither in his dealings with the Congress. I am deeply saddened to come to that judgement. Having said that Ambassador Negroponte has had a distinguished career and on balance has discharged his responsibilities ably and honorably. For that reason, I intend to give him the benefit of the doubt in light of how extremely polarized relations between the Congress and the Executive were over U.S. policy in Central America when he was serving as Ambassador in Honduras. I will therefore support his nomination to the position of the U.S. Permanent Representative to the United Nations.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mr. REID. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from consideration of S. Res. 159, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 159) designating the week beginning September 16, 2001, as "National Historically Black Colleges and Universities Week."

There being no objection, the Senate proceeded to the consideration of the resolution.

Mr. REID. Mr. President, I ask unanimous consent the resolution and preamble be agreed to en bloc and that the motion to reconsider be laid upon the table, with no intervening action.

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

The resolution (S. Res. 159) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 159

Whereas there are 105 historically black colleges and universities in the United States;

Whereas black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK.

The Senate—

(1) designates the week beginning September 16, 2001, as "National Historically Black Colleges and Universities Week"; and

(2) requests that the President of the United States issue a proclamation calling on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities in the United States.

ORDER THE RECORD REMAIN OPEN UNTIL 3:30 P.M.

Mr. REID. Mr. President, I ask unanimous consent that the RECORD remain open today until 3:30 for statements and introduction of bills.

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

MEASURE INDEFINITELY POSTPONED—S. 1426

Mr. REID. Mr. President, I ask unanimous consent that once H.R. 2888, the emergency supplemental appropriations bill, is enacted into law, action on S. 1426 be vitiated and the bill then be indefinitely postponed.

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

Mr. REID. Mr. President, on behalf of Senator DASCHLE, I would like to extend my appreciation to everyone who allowed us to complete these nominations.

Mr. LEVIN. Mr. President, on behalf of myself and Senator WARNER, pursuant to section 3(b) of S. Res. 400 of the 94th Congress, we ask unanimous consent that S. 1428, the Intelligence Authorization Act for Fiscal Year 2002, be sequentially referred to the Committee on Armed Services for a period not to exceed 30 days.

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

TRIBUTE TO TERRY LYNCH

Mr. SHELBY. Mr. President, I rise today in remembrance of a long-time former employee of mine, Terry Michael Lynch. Terry was killed Tuesday morning at the Pentagon in the tragic and senseless events of a day that will never be forgotten in America. Terry worked for me for over 15 years, both in the House of Representatives and the U.S. Senate, and I would like to take this opportunity to reflect on the life of a dedicated family man and a true patriot.

Terry was born in 1952 in Youngstown, Ohio. Terry grew up as the son of a steel-factory administrator. He graduated from high school in Youngstown, and received both his bachelor's and master's degrees in history from Youngstown State. It was there that Terry met his wife of 24 years, Jackie.

Terry worked on Capitol Hill as an aide to former Alabama Republican Congressman Albert Lee Smith. Some of you might remember the Congressman. He began working for me in 1983, when I was a Member of the U.S. House of Representatives. When I entered the race for the United States Senate in 1986, Terry was one of the first volunteers to take personal time away from his family here in Virginia and travel throughout Alabama doing any task that was needed. Terry came over to the U.S. Senate with me as my Legislative Assistant assigned to the Armed Services Committee and continued in that position from 1987 through 1994. In 1995, Terry became a professional staff member of the Senate Intelligence Committee and for two years brought his expertise to the Intelligence Committee. He subsequently worked as a member of the professional staff of the Senate Veterans' Affairs Committee

chaired by Senator SPECTER. Terry was most recently employed by the consulting firm of Booz Allen and Hamilton.

To say and give you all of this background does not touch the essence of Terry Lynch. He was one of the most loyal, caring, unpretentious, and compassionate human beings I have ever had the privilege of knowing. Terry was a foundation of strength and stability for everyone that knew and loved him. He was the kindest soul and the most dedicated and loving father to his two daughters, Tiffany and Ashley. Terry's passion for helping others, especially the men and women in uniform with which he so closely worked, was always evident over the course of his career. This week, former staff members have called from all over the world to express their deep grief. And, although they had not seen Terry in many years, he made such a strong impact on all of us that to this day, he still lives on in each of our hearts in some way. Terry Lynch's spirit and his memory will forever be with us—the people who worked with him and knew him in the House of Representatives, who worked with him and knew him in the Senate, and who worked with him and knew him in the Pentagon where he died.

We are all, I believe, better people for having known Terry Michael Lynch.

Terry was an intelligent man with a heart of gold. He was also a great American. His life should not have ended in this unfortunate and premature manner, because he had so much ahead of him. But I promise you I will do everything in my power to ensure that Terry's life, and the lives of all Americans affected by this terrible tragedy, did not end in vain.

Mr. President, I yield the floor.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred December 19, 1997 in Stockton, CA. A high school student was allegedly beaten by a group of youths who believed he was gay. Two youths, ages 16 and 17, were charged with civil rights violations.

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

Mr. MCCAIN. Mr. President, I want to thank the managers of this bill for their hard work in putting forth this

legislation which provides federal funding for numerous vital programs.

This bill provides funding for fighting crime, enhancing drug enforcement, and responding to threats of terrorism. It further addresses the shortcomings of the immigration process, funds the operation of the judicial process, facilitates commerce throughout the United States, and supports the needs of the State Department and various other agencies.

Regrettably, this bill spends at a level 4.4 percent higher than the level enacted in fiscal year 2001 which is greater than the 4 percent increase in discretionary spending than the President wanted to adhere to.

In real dollars, this is \$720 million in additional spending above the amount requested by the President, and a \$1.7 billion increase in spending from last year. So far this year, with just five appropriations bills already passed, spending levels have already exceeded the President's budget request by more than \$6.6 billion.

A good amount of this increase is in the form of parochial spending for unrequested projects. In this bill, I have identified approximately 600 earmarks totaling \$2 billion, which is greater than the 470 earmarks, totaling \$1.5 billion, in the bill passed last year.

There are hundreds of millions of dollars in pork-barrel spending and legislative riders that are riddled throughout this bill. The multitude of unrequested earmarks buried in this measure will undoubtedly further burden the American taxpayers. While the amounts associated with each individual earmark may not seem extravagant, taken together, they represent a serious diversion of taxpayers' hard-earned dollars at the expense of numerous programs that have undergone the appropriate merit-based selection process.

For example, under funding for the Department of Justice, some examples of earmarks include: \$3 million to the University of Connecticut to fund the Prison Health Research Project; \$3 million for a grant to the Clearwater, Idaho EDA for the Lewis and Clark Bicentennial Bi-State Public Safety Project; \$1 million for a grant to the Alaska Native Justice Center Restorative Justice programs; \$1.6 million for the Montana Highway Patrol for computer upgrades; and \$725,000 for the City of Jackson, Mississippi, for their public safety automated technologies system.

Under funding for the Department of Commerce, some of the earmarks include: \$500,000 for the Central California Ozone Study; \$500,000 for the International Pacific Research Center at the University of Hawaii; \$1.25 million for the Alaska Near Shore Fisheries; \$350,000 for the South Carolina Taxonomic Center; \$1.75 million for the Alaska Fisheries Development Foundation; \$500,000 for weather radio transmitters in Wyoming; \$4 million for the Institute for Politics at Harvard Uni-

versity; and \$6 million for the Thayer School of Engineering at Dartmouth University for the nanocrystalline materials and biomass research initiative.

There are many more projects on the list that I have compiled, which will be available on my Senate Web site.

Mr. President, I must once again draw attention to the more questionable ways in which Americans' tax dollars serve the otherwise noble cause of U.S. diplomacy around the world as part of the State Department appropriations portion of this bill. As usual, several organizations and universities have received earmarked funds for international exchanges. Five particularly parochial earmarks deserve mention: the Joiner Fellowships in War, the Padnos International Center, the UNI-Cedar Falls Russo-American Exchange, the UNLV Global Business Exchange, and the UNR International Business Exchange each receive a \$100,000 earmark, to the surprise of, among others, officials of the State Department, who not only did not request funding for these programs, but in several cases were unaware they even existed.

Among other beneficiaries this year of unrequested spending that seems to serve primarily the interests of its patrons, Pacific salmon stand out: this bill appropriates \$45,419,000, or nearly twice the \$25 million requested by the Department of State, to implement the 1999 Pacific Salmon Treaty. Included in this figure is \$20 million above the Administration's request to capitalize the Northern and Southern Boundary Funds and \$419,000 above the Administration's request dedicated to the State of Washington for its salmon preservation efforts. The Committee report also takes it upon itself to absolve the State of Alaska of further harvest reductions under the 1999 Pacific Salmon Treaty.

Traveling dance and music troupes and Internet entrepreneurs are also being shown the money as a result of the Committee report's generous provision of \$750,000 to their cause, on the grounds that, in the Committee's words, "Performances by touring U.S. dance and music troupes have afforded our diplomats unusual access to oft-times elusive senior policy-makers in Africa. At the same time, the lure of technological innovation, especially the explosion of the Internet, afford American educators and entrepreneurs a rare opportunity to develop lasting links with African elites." Our relations with African nations are important, and many countries torn by crippling poverty, famine, disease, civil unrest, and open warfare could use our help. I like a good dance performance as much as anyone, but I'm not positive this funding is the best way to help our friends or advance American interests in Africa.

For many years now I have opposed the Advanced Technology Program at the Department of Commerce on grounds that it is "corporate pork."

For many years, any of the Nation's leading companies have reaped the benefits of this grant program for research ideas that they could and should have pursued under their corporate budgets. Proponents of the program have cited that the program funds high-risk projects.

Several years ago, on the Senate Commerce Committee, we reviewed many of the funded projects under the program and found that many of the projects were not high-risk at all, but rather evolutionary or incremental development of existing technologies.

The President has stated that the future of the program would be subject to a Commerce Department's review. The fiscal year 2002 budget request has essentially eliminated funding for ATP. The Appropriations Committee has provided funding of \$204 million for fiscal year 2002, \$191 million above the President's request. Furthermore, to ensure that this funding is awarded in a timely manner, the Appropriations Committee, in report language, has prohibited obligations of any funds under the Department's Departmental Management account, which funds salaries and other expenses, until a plan on how timely awards are to be made. That is equivalent to saying make ATP awards or we will shut down the Department.

In closing, I urge my colleagues to curb our habit of directing hard-earned taxpayer dollars to locality-specific special interests and our inclusion of legislative riders which thwart the very process that is needed to ensure our laws address the concerns and interests of all Americans, not just a few who seek special protection or advantage.

AMENDMENT NO. 1538 TO H.R. 2500

Mr. SMITH of New Hampshire. Mr. President, I rise to raise an issue regarding the meaning and effect of amendment No. 1538 to H.R. 2500. I am proud to have joined in sponsoring this amendment with Senators HARKIN, WARNER, INHOFE, COCHRAN, ALLARD, CAMPBELL, and JOHNSON.

Mr. HARKIN. It is the understanding of the Senator from New Hampshire that the proper meaning of that amendment would bar the State and Justice Departments from filing any statement of interest or in any manner intervening to oppose any civil action brought by a former prisoner of war against a corporation of the type referenced in the amendment?

Mr. SMITH of New Hampshire. Yes. This is the intent of the amendment which passed this body by voice vote after a motion to table failed.

Mr. HARKIN. This is my understanding as well.

Mr. CRAPO. Mr. President, I rise today in support of a provision that has been included in the Commerce, Justice, State, and Judiciary Appropriations Subcommittee manager's amendment to H.R. 2500 that is absolutely crucial to recovering threatened and

endangered species, while also protecting people and the economies of areas where these species are present.

I would like to thank the esteemed Chairman and Ranking Member of the Subcommittee and the Ranking Member of the Appropriations Committee for recognizing the critical nature of this issue and including it in the manager's amendment.

The Endangered Species Act, ESA, requires Federal agencies to avoid actions that are likely to "jeopardize" the continued existence of threatened or endangered species or destroy or adversely modify designated critical habitat. Agencies must "consult" with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, who issue a biological opinion at the conclusion of consultation to assist the Federal agency to meet its substantive no-jeopardy obligation. The obligation to avoid jeopardy rests upon on the Federal "action agency," not on the Services. These actions may include the construction of a highway or bridge, a stream restoration project to benefit listed fish species, a forest health activity such as thinning or prescribed fire to reduce the risk of catastrophic wildfire, or the operation of hydroelectric projects.

In the West, we have seen countless projects held up for inordinate amounts of time. They have caused economic hardship and job loss, while also draining the resources of the Federal Government. What is so significant about these resources being consumed by the consultation process is that in nearly all of these cases, projects did not jeopardize threatened or endangered species. In nearly every case, neither the species nor their habitats were at risk. In every case, this was a matter of doing paperwork that is required by the regulatory process. And, in no case, did this process do anything to increase a species' chances of survival or improve habitat for that species on-the-ground.

In 1986, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service issued joint regulations that divided consultations into "informal" and "formal." Informal consultations occur for any action that "may affect" a listed species. If the consulting Service finds that adverse affect on the species is likely, then formal consultation begins and the service will issue a formal biological opinion.

Since 1986, the consultation process has mushroomed into a lengthy and expensive process. Eight hundred and twenty two new species have been listed since then, including 21 new salmon listings in the past five years. Between 1987 and 1995 Federal agencies were required to complete more than 186,000 consultations with the Services on proposed programs and projects. The increasing number of critical habitat designations will only add to this burden. Despite efforts to manage the workload under existing rules, the

Services have been unable to quell growing criticism that they cannot do the job adequately.

Yet only three tenths of one percent of these projects, let me say that again, only three tenths of one percent or fewer than 600, were found to be likely to jeopardize a protected species or adversely modify critical habitat. A full 99.7 percent of all consultations involved projects that already complied fully with the ESA. Only one out of every 300 consultations involved a project with a potential to violate the ESA.

Each year Federal agencies are compelled to expend millions of Federal dollars for elaborate consultations on projects that pose no significant threat to species. Each of these consultations requires extensive studies and reports by the Federal action agency and one or both of the Services, and extends for months or years before ending with the inevitable no-jeopardy finding that was obvious from the start. The Services have increased their staffs every year for the past decade in order to complete more and more of these unneeded consultations that have no value for protected species.

These project delays further drain the Federal Treasury by increasing the ultimate costs of the stalled projects. The delays also cause millions of dollars more in lost economic opportunity for private citizens dependent on a stalled project. These consultations sap resources from those relatively few situations where a species actually needs protection from a proposed Federal agency project or program.

This out-of-control consultation process is contrary to Congress' intent in enacting the Endangered Species Act. The Supreme Court has observed that consultation is among the ESA's procedural safeguards intended "to avoid needless economic dislocation produced by agency officials zealously but unintelligently pursuing their environmental objectives." (*Bennett v. Spear*, 520 U.S. 154, 176-77 (1997).)

The joint consultation rules must be modified to mitigate the problem, reduce the workload and continue the same level of protection for the listed species. The regulations have caused large numbers of unneeded and burdensome consultations. None of these is required by the ESA and none of them is necessary in today's heightened sensitivity of endangered species responsibility to protect listed species.

It is impossible to make the argument that streamlining the consultation regulations will negatively affect species. In fact, a more efficient and effective process will help imperiled species by reducing unnecessary paperwork, and thus, reducing the resources needed to do the paperwork, and by redirecting this precious resources to making real, on-the-ground improvements for imperiled species.

My provision, which has been included in the bill, would direct the Services to review this situation and

revise their joint regulations accordingly. The review would consider the significant increase in number, cost, and duration of consultations since promulgation of the regulations in 1986 and would result in modifications to the regulations that will streamline the consultation process to ensure that: one, all forms of consultation are completed within the deadlines provided in section 7 of the ESA; two, the requirements for initiating consultation and for any information generated and documentation prepared by both the action agency and the consulting agency during consultation are fully consistent with section 7; and three, the consultation process is conducted in an efficient and useful manner to meet the purpose of section 7.

Section 7(b) of the ESA imposes a 90-day deadline, subject to certain extensions to which each agency must agree. If there is a permit applicant involved, consultation may not exceed 150 days without the applicant's consent. The 1986 regulations make no effort to follow these deadlines during the informal consultation stage, thus allowing this process to drag on and on.

A primary cause of the explosion in unneeded consultations is the extremely low threshold in the regulations for an action agency to initiate a consultation. The regulations require an action agency to initiate consultation for any proposed action that "may affect" either a listed species or critical habitat. In announcing the regulations, the Fish and Wildlife Service explained that they may affect threshold means that "any possible effect, whether beneficial, benign, adverse, or of an undetermined character, triggers the formal consultation requirement."

The regulations do not permit an action agency to decide that it does not need to consult on a "may affect" action, no matter how harmless the activity may be. A "may affect" action can be exempted from formal consultation only if a Service concurs in writing that the action is "not likely to adversely affect" a listed species or critical habitat. That finding itself requires a multi-step inter-agency administrative process called informal consultation, which often takes longer than the formal consultation it is intended to avoid.

The ESA does not contain the "may affect" consultation threshold. As a matter of fact, the Endangered Species Act does not contain any consultation threshold at all. The "may affect" threshold in the regulations is so far removed from the substantive no-jeopardy requirement in the ESA that large volumes of unnecessary consultations were virtually guaranteed to occur—and have.

Other sections of the regulations also compel large numbers of unnecessary consultations: consultation is required on any action authorized, funded, or carried out "in part" by a federal agency, even if the Federal involvement is minor or secondary to private or state

action; consultation is required for agency actions that are intended to benefit species; consultation is required for agency regulations with no direct on-the-ground impact; and consultation is required for agency actions that "indirectly" cause modification to the land, water, or air.

The regulations also impose burdensome documentation requirements, far beyond the ESA, that guarantee that even the most minor consultation will be long and slow. The action agency is required to initiate every formal consultation with a detailed written report on the manner in which the action may affect any listed species or critical habitat and an analysis of any cumulative effects, and must also provide the best scientific and commercial information available or which can be obtained during the consultation for an adequate review of the effects that an action may have upon listed species or critical habitat. Moreover, while the ESA only requires "biological assessments" to be prepared for "major construction activities," the joint regulations make this detailed analysis a virtual requirement for every agency action.

The joint regulations then mandate that a biological opinion include a detailed discussion of the effects of the action on listed species or critical habitat that addresses all of the indirect, interrelated, interconnected and cumulative effects as defined in the regulations. In contrast, the ESA only requires that a biological opinion set forth a summary of the information on which the opinion is based, detailing how the agency action affects the species or its critical habitat.

The Services have the authority under existing law to amend their regulations to improve the operation of the process. The agencies can initiate a rulemaking process to amend their regulations, with notice and opportunity for the public to comment, following the same procedures as were employed for the original 1986 regulations. No amendment of the ESA is required. The amendment I am offering merely directs the Services to use a portion of their fiscal year 2002 funds to review the consultation regulations and propose changes that will bring this process into line with the realities of the 21st Century and will enable all federal agencies to fulfill their obligations under the ESA.

The Endangered Species Act is besieged with problems that must be solved in order to adequately protect listed species and recover them. At the same time, many Western communities feel that they have been assaulted by the ESA in the last two decades. Win-win solutions often evade us as policymakers when it comes to issues that are as contentious as the Endangered Species, but this is truly a win-win for species AND people. Again, my sincere thanks to the chairman and Ranking Member of the Commerce Appropriations Subcommittee for their assist-

ance in finding solutions to this troubling issue.

Mr. BREAUX. Mr. President, last year this Committee and Congress passed legislation to privatize INMARSAT [International Maritime Satellite Organization]. As part of the privatization, INMARSAT is required to hold an initial public offering [IPO]. INMARSAT's IPO deadline is set for December 31 of this year. Since the IPO market continues to be in bad shape, INMARSAT and its investment advisors would like time to see if the market improves.

INMARSAT was established in 1979 to improve maritime communications especially for distress and safety signals. Over the past two decades, INMARSAT has branched out to serve both maritime markets and increasingly any markets requiring mobility—shipping, oil and gas exploration and the FAA.

Since the IPO market has nosedived, INMARSAT has been waiting for conditions to improve. All of the extensions available to INMARSAT have now been used and the FCC has no more discretion to extend the deadline.

The dilemma is that if INMARSAT does not hold the IPO it will be in violation of U.S. law, and if it does hold the IPO, they could be found in breach of its fiduciary responsibility to its shareholders, possibly subjecting itself to shareholder lawsuits.

My amendment would simply give the FCC the ability to extend the deadline an additional 18 months to see if the IPO market improves. A large number of U.S. companies have pulled their IPOs off the market given market conditions. We are trying to privatize INMARSAT and we should allow them to act like a company.

IN SUPPORT OF THE BROADCASTING BOARD OF GOVERNORS' NEW MIDDLE EAST RADIO NETWORK

Mr. INOUE. Mr. President, I rise today to express my support for a proposal by the Broadcasting Board of Governors to enhance and expand service to the Middle East. According to the Chairman of the Broadcasting Board of Governors, the mission of U.S. international broadcasting is to promote the open communication of information and ideas in support of democracy, and the freedom to seek, receive, and impart information, worldwide. In pursuit of this goal, the Broadcasting Board of Governors has proposed a new station, the Middle East Radio Network.

Would Senator BOXER care to enlighten us on the current U.S. Government sponsored Arabic language broadcasting in the Middle East?

Mrs. BOXER. Yes, I would and I thank the Senator for this opportunity to describe the important results of the board's most recent Language Service Review. This review found that our current broadcasting efforts in the

Middle East only reach approximately 2 percent of the population. The board's 2001 Language Service Review highlighted the importance of revitalizing America's Arabic programs in order to offset local Arabic radio broadcasts that often serve to incite violence in the region. An alternative must be offered to the hate radio that so often incites the population to violence.

In February, Broadcasting Board of Governors' representatives traveled throughout the Middle East to gather facts, to talk to government and media officials, and to begin to build a concept for success. The research emphasized the need for a greater U.S. media presence and increased local content to U.S. broadcasts. The researchers found that in spite of widespread opposition to the U.S. policies, there is a strong attraction to the American values of freedom and individualism. In addition, the Arab public would like information about U.S. businesses, technology and advances in medicine. I believe my colleague from Nebraska would like to discuss the Broadcasting Board of Governors' plans to address the shortcomings in our broadcasting services to the Middle East.

Mr. HAGEL. I thank the Senator for the opportunity to speak about the new broadcast service proposed by the Broadcasting Board of Governors for fiscal year 2002. The goal is to provide broadcasts that will appeal to a broad Arabic-speaking audience by providing news and information about events in the region. The working name for this station is the Middle East Radio Network. It would be a 24 hour per day, 7 days per week Arabic-language station to be delivered via a combination of local MW and FM, and shortwave to areas where local delivery is not possible. Programming will include news, music, talk, and interactive programs with listener participation. The Broadcasting Board of Governors plans to feature reliable news and discussion of issues relevant to the audience in a format to appeal to young adults and to news-seekers of all ages. The programs will embody two important themes: individual choice and respect for others. In a region where more than half of the population is under 25, a successful station must appeal to young people who are the best hope to end the cycle of violence that has ravaged the region.

I know my colleague from Washington would like to discuss the delivery of this new service in the Middle East, and I invite her to comment.

Mrs. MURRAY. The expansion and enhancement of our radio programming in the Middle East are critical to the success of our policies in the region. The proposed service would reach audiences in the West Bank and Gaza, the Gulf, Egypt, Iraq, Jordan, and Sudan in the most popular media of AM, FM and satellite program delivery. This is an area where we cannot afford to deliver our message through a third party

broadcaster, and we must deliver accurate information about events occurring in the region. We must be an accessible voice in the region with a program and format that will attract a broader audience. This expanded service will also provide the region with increased exposure to news and information and Western journalistic standards of a free press. This provision of information will help counter the existing regional broadcasts which are often censored or under state control.

I am confident this increased information will help us further our policy goals of establishing peace and stability in the region. In light of the terrible events of this week, I appreciate the opportunity to register my support for this program and our international broadcasting efforts. I would also add that I concur with the comments of my colleagues.

Mrs. BOXER. I also concur with the remarks of my colleagues.

Mr. HAGEL. I also concur with my colleagues and would like to ask Senator INOUE to provide his final comments.

Mr. INOUE. I concur in the comments of my colleagues about the importance of the enhanced programming in the Middle East proposed by the Broadcasting Board of Governors. It is my hope that the proposed service will help disseminate news and information throughout the region. I am pleased that the Broadcasting Board of Governors has committed to providing this much-needed service and look forward to working with my colleagues to support the Middle East Radio Network.

ADDITIONAL STATEMENTS

STEPFAMILY DAY

• Ms. STABENOW. Mr. President, I rise today to recognize National Stepfamily Day, a day that reminds us that families don't need to be bound by biology to be grounded in love and respect.

The Stepfamily Association of America and 38 States recognize September 16 as National Stepfamily Day. On this day, stepfamilies nationwide are encouraged to hold picnics and other activities to bring our stepfamilies together so they can share their experiences.

Stepfamily Day came about through the efforts of Michigan's Christy Borgeld, a board member of the Stepfamily Association of America. I applaud her efforts and those of the membership of the Stepfamily Association of America.

When we celebrate Stepfamily Day, we really celebrate the ties that make all our families one of our most precious national treasures, dedicated parents working to ensure their children grow up in safe and loving homes.

It is my pleasure to pay tribute to the Stepfamily Association of America for its commitment and hard work on

behalf of American families, and to wish families in Michigan and nationwide a happy and successful Stepfamily Day. •

TRIBUTE TO PETE SUAZO

• Mr. HATCH. Mr. President, I rise to pay tribute to Eluid Pete Suazo, a distinguished Utah State Senator whose untimely death in August has had a tremendous impact—not only on his family and close friends, but also on the entire state of Utah.

At the time of his death, Senator Suazo represented Salt Lake City's multi-cultural west side, and he also served as the Assistant minority whip. Pete was heralded for his unfailing determination and advocacy for his constituents. Indeed, his integrity and absolute dedication won Senator Suazo respect from his colleagues on both sides of the aisle.

As the only Hispanic member of the Utah Legislature, Pete felt a strong sense of responsibility to honor and help Utah's growing Hispanic and minority populations. He was a top leader of the Hispanic community, who was also able to cross Utah's ethnic and political lines to effect policies benefiting the entire community. I remember how Pete's wife, Alicia, fondly recalled the day her husband decided to run for office. He passionately stated, "The Chicano boy is going to be a senator, not in New Mexico, but in Utah where the work is going to be doubly hard and the victory glorious." This optimism showed in Pete's face, for he was always smiling.

Pete fought for the underdog and the less privileged. For those who sought his advice and assistance, he always had a helping hand and a listening ear. He worked tirelessly to improve the lives of the youth in his neighborhood. He organized graffiti removal teams, baseball and soccer leagues, summer work programs, and provided so many other opportunities to strengthen the characters of countless young men and women.

Over the past few years, Pete helped reinvigorate amateur boxing in Utah and participated as a referee to ensure safety in the sport. The Senator undertook these and many other volunteer efforts to help the less fortunate, always giving hope to those who needed it so much.

Senator Suazo's work ethic was extraordinary and was developed at a very young age. He took great pride in whatever he was doing—from selling popcorn at a charity carnival in his youth to serving as a leading state senator. Throughout his life, he used his tremendous energy and his capacity for hard work to champion the causes in which he so fervently believed.

While serving in the Utah legislature, Senator Suazo was not afraid of the tough battles. In recent years, his work to adopt a more pro-active and stronger hate crimes law defined Pete Suazo's leadership and determination. He never

gave up, and through his efforts this issue rose to the forefront of the legislature's attention.

Mr. President, Utah has lost a true hero. Senator Pete Suazo was a man with great integrity, strong personal conviction, and a humble heart. His life was an example of dedicated public service and utmost love for his community and fellow man. I hope my colleagues will join me in sending our heartfelt thoughts and prayers to the Suazo family—his wife, Alicia, and their children Travis, Abel, Emilio and Julio, his parents Pat and Lily, his siblings Kathy, Becky, Georgia, Anna, Ellie and Andy—and also to the many, many friends and neighbors of Pete who will deeply miss him. My hope is that future generations of Utahns will have the desire to follow in this good man's footsteps, and continue his legacy of work for the people of Utah. In so many instances Pete did not only dream the impossible dream, he strove for and attained it. •

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

REPORT ON THE DECLARATION OF NATIONAL EMERGENCY BY REASON OF CERTAIN TERRORIST ATTACKS—MESSAGE FROM THE PRESIDENT—PM 40

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:

Pursuant to section 201 of the National Emergencies Act (50 U.S.C. 1621), I hereby report that I have exercised my authority to declare a national emergency by reason of the terrorist attacks at the World Trade Center, New York, New York, and the Pentagon, and the continuing and immediate threat of further attacks on the United States. A copy of my proclamation is attached.

Further, I have authorized, pursuant to section 12302 of title 10, United States Code, the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service within

the Department of the Navy, to order to active duty units and individual members not assigned to units of the Ready Reserve to perform such missions the Secretary of Defense may determine necessary. The deployment of United States forces to conduct operational missions in connection with the World Trade Center and Pentagon attacks necessitates this action. A copy of my Executive Order implementing this action is attached.

GEORGE W. BUSH.

THE WHITE HOUSE, September 14, 2001.

MESSAGE FROM THE HOUSE

At 2:21 p.m., a message from the House of Representatives, delivered by Mr. Hays, 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. 2888. An act making emergency supplemental appropriations for fiscal year 2001 for additional disaster assistance, for anti-terrorism initiatives, and for assistance in the recovery from the tragedy that occurred on September 11, 2001, and for other purposes.

MEASURES PLACED ON THE CALENDAR

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

H.R. 2833. An act to promote freedom and democracy in Viet Nam.

H.R. 2291. An act to extend the authorization of the Drug-Free Communities Support Program for an additional 5 years, to authorize a National Community Antidrug Coalition Institute, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3912. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Policy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "FAR Class Deviation Addressing Service Contract Act Requirements for Subcontracts for Certain Commercial Services" (AL-2000-10R) received on September 4, 2001; to the Committee on Energy and Natural Resources.

EC-3913. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (Doc. No. FEMA-7767) received on August 21, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-3914. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to Strategic and Competitive Sourcing Programs and Workforce Review Cost Savings for Fiscal Year 2000; to the Committee on Armed Services.

EC-3915. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "PR Notice 2001-4:

Elimination of Phenol Resistance Testing for Antimicrobial Disinfectant and Sanitizer Pesticides"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3916. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "PR Notice 2001-5: Guidance for Pesticide Registrants on Pesticide Resistance Management Labeling"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3917. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bromoxynil; Pesticide Tolerances for Emergency Exemptions" (FRL6798-2) received on September 4, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3918. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Listed Chemicals; Establishment of Non-Regulated Transactions in Anhydrous Hydrogen Chloride" (RIN1117-AA43) received on September 6, 2001; to the Committee on the Judiciary.

EC-3919. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "V Nonimmigrant Classification; Spouses and Children of Lawful Permanent Residents" (RIN1115-AG08) received on September 10, 2001; to the Committee on the Judiciary.

EC-3920. A communication from the Deputy Assistant Administrator of the Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedule of Controlled Substances: Placement of Dichloralphenazone Into Schedule IV" (RIN1117-AA59) received on September 6, 2001; to the Committee on the Judiciary.

EC-3921. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Annual Statement of Assurance for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC-3922. A communication from the Secretary, Administrative Committee of the Federal Register Director, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Prices and Availability of Federal Register Publications" (RIN3095-ZA03) received on September 6, 2001; to the Committee on Governmental Affairs.

EC-3923. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—July 2001" (Rev. Rul. 2001-44) received on August 21, 2001; to the Committee on Finance.

EC-3924. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Sample Plan Amendments Resulting from EGTRRA" (Notice 2001-57) received on September 4, 2001; to the Committee on Finance.

EC-3925. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Implementation of Public Laws 106-476 and 106-554, Relating to Tobacco Importation Restrictions,

Markings, Repackaging, and Destruction of Forfeited Tobacco Products" (RIN1512-AC35) received on September 4, 2001; to the Committee on Finance.

EC-3926. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Stills and Miscellaneous Regulations; Recodification of Regulations" (RIN1512-AC34) received on September 7, 2001; to the Committee on Finance.

EC-3927. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2001 Marginal Production Rates" (Notice 2001-53) received on September 10, 2001; to the Committee on Finance.

EC-3928. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fringe Benefits Aircraft Valuation Formula" (Rev. Rul. 2001-42) received on September 10, 2001; to the Committee on Finance.

EC-3929. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Separate Reporting of Nonstatutory Stock Option Income in Box 12 of the Form W-2, Using Code V, Optional for Year 2002" (Ann. 2001-92) received on September 10, 2001; to the Committee on Finance.

EC-3930. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 43 Inflation Adjustment" (Notice 2001-54) received on September 10, 2001; to the Committee on Finance.

EC-3931. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revisions to the Control of Iron and Steel Production Installations" (FRL7040-8) received on September 4, 2001; to the Committee on Environment and Public Works.

EC-3932. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "District of Columbia: Final Authorization of State Hazardous Waste Management Program Revision" (FRL7050-9) received on September 4, 2001; to the Committee on Environment and Public Works.

EC-3933. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Section 112(1) Authority for Hazardous Air Pollutants; State of Pennsylvania; Department of Environmental Protection" (FRL7055-9) received on September 10, 2001; to the Committee on Environment and Public Works.

EC-3934. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List for Uncontrolled Hazardous Waste Sites" (FRL7054-5) received on September 10, 2001; to the Committee on Environment and Public Works.

EC-3935. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Arizona State Implementation Plan, Arizona Department of Environmental Quality" (FRL7051-4) received

on September 10, 2001; to the Committee on Environment and Public Works.

EC-3936. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Supplemental Guidelines for the Award of Section 319 Nonpoint Source Grants to States and Territories in FY 2002 and Subsequent Years" (FRL7054-7) received on September 10, 2001; to the Committee on Environment and Public Works.

EC-3937. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Indiana" (FRL7052-6) received on September 10, 2001; to the Committee on Environment and Public Works.

EC-3938. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Performance Improvement Report for 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-3939. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Community Food and Nutrition Program for Fiscal Years 1998 and 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-3940. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the administration of ERISA during calendar year 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-3941. A communication from the Inspector General, United States Railroad Retirement Board, transmitting, pursuant to law, the budget request for Fiscal Year 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-3942. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the budget request report for Fiscal Year 2003; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRAHAM, from the Select Committee on Intelligence, without amendment:

S. 1428. An original bill to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. (Rept. No. 107-63).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1214. A bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes. (Rept. No. 107-64).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. LEVIN for the Committee on Armed Services.

Department of Defense nomination of Gen. Richard B. Myers.

Nomination was reported with recommendation that it be confirmed sub-

ject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. DASCHLE (for himself and Mr. LOTT):

S. 1426. A bill making emergency supplemental appropriations for fiscal year 2001 for additional disaster assistance, for anti-terrorism initiatives, and for assistance in the recovery from the tragedy that occurred on September 11, 2001, and for other purposes; considered and passed.

By Mrs. HUTCHISON:

S. 1427. A bill to amend title 10, United States Code, to authorize disability retirement to be granted posthumously for members of the Armed Forces who die in the line of duty while on active duty, and for other purposes; to the Committee on Armed Services.

By Mr. GRAHAM:

S. 1428. An original bill to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; to the Committee on Armed Services.

By Mr. EDWARDS:

S. 1429. A bill to provide for the improvement of security at airports and seaports; to the Committee on Commerce, Science, and Transportation.

By Mr. JOHNSON:

S. 1430. A bill to authorize the issuance of Unity Bonds in response to the acts of terrorism perpetrated against the United States on September 11, 2001, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. McCONNELL (for himself and Mr. BURNS):

S. 1431. A bill to authorize the Secretary of the Treasury to issue War Bonds in support of recovery and response efforts relating to the September 11, 2001 hijackings and attacks on the Pentagon and the World Trade Center, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SMITH of Oregon:

S. 1432. A bill to authorize the issuance of United States Defense of Freedom Bonds to aid in funding of the war against terrorism, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DASCHLE (for himself and Mr. LOTT):

S.J. Res. 23. A joint resolution to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States; considered and passed.

ADDITIONAL COSPONSORS

S. 212

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 212, a bill to amend the Indian Health Care Improvement Act to revise and extend such Act.

S. 344

At the request of Mr. CAMPBELL, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 344, a bill to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes.

S. 697

At the request of Mr. HATCH, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. 756

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 756, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from biomass, and for other purposes.

S. 805

At the request of Mr. WELLSTONE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 805, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies.

S. 827

At the request of Mr. ROCKEFELLER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 827, a bill to amend the Social Security Act to guarantee comprehensive health care coverage for all children born after 2001.

S. 839

At the request of Mrs. HUTCHISON, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 875

At the request of Mr. BREAUX, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for taxpayers owning certain commercial power takeoff vehicles.

S. 905

At the request of Mr. HARKIN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 905, a bill to provide incentives for school construction, and for other purposes.

S. 920

At the request of Mr. BREAUX, the name of the Senator from Illinois (Mr.

DURBIN) was added as a cosponsor of S. 920, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 1054

At the request of Mr. KOHL, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1054, a bill to amend titles XVIII and XIX of the Social Security Act to prevent abuse of recipients of long-term care services under the Medicare and Medicaid programs.

S. 1083

At the request of Ms. MIKULSKI, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1083, a bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system.

S. 1140

At the request of Mr. HATCH, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1169

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1169, a bill to streamline the regulatory processes applicable to home health agencies under the medicare program under title XVIII of the Social Security Act and the medicaid program under title XIX of such Act, and for other purposes.

S. 1256

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1256, a bill to provide for the reauthorization of the breast cancer research special postage stamp, and for other purposes.

S. 1409

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

S. 1421

At the request of Mrs. HUTCHISON, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 1421, a bill to direct the Federal Aviation Administration to re-implement the sky marshal program within 30 days.

S. RES. 139

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 139, a resolution designating September 24, 2001, as "Family Day — A Day to Eat Dinner with Your Children."

AMENDMENT NO. 1562

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of amendment No. 1562 proposed to H.R. 2500, a bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself and Mr. LOTT.)

S. 1426. A bill making emergency supplemental appropriations for fiscal year 2001 for additional disaster assistance, for anti-terrorism initiatives, and for assistance in the recovery from the tragedy that occurred on September 11, 2001, and for other purposes, considered and passed.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for fiscal year 2001, namely:

EXECUTIVE OFFICE OF THE PRESIDENT
AND FUNDS APPROPRIATED TO THE
PRESIDENT

EMERGENCY RESPONSE FUND (INCLUDING TRANSFERS OF FUNDS)

For emergency expenses to respond to the terrorist attacks on the United States that occurred on September 11, 2001, to provide assistance to the victims of the attacks, and to deal with other consequences of the attacks, \$40,000,000,000, to remain available until expended, including for the costs of (1) providing Federal, State, and local preparedness for mitigating and responding to the attacks, (2) providing support to counter, investigate, or prosecute domestic or international terrorism, (3) providing increased transportation security, (4) repairing public facilities and transportation systems damaged by the attacks, and (5) supporting national security: *Provided*, That these funds may be transferred to any authorized Federal Government activity to meet the purposes of this Act: *Provided further*, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That \$40,000,000,000 shall be available only to the extent that an official budget request, that includes designation of the \$40,000,000,000 as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is

transmitted by the President to the Congress: *Provided further*, That the President shall consult with the chairmen and ranking minority members of the Committees on Appropriations prior to the transfer of these funds: *Provided further*, That of the \$40,000,000,000 made available herein, \$10,000,000,000 shall not be available for transfer to any Department or Agency until 15 days after the Director of the Office of Management and Budget has submitted to the House and Senate Committees on Appropriations a proposed allocation and plan for use of the funds for that Department or Agency; \$20,000,000,000 may be obligated only when enacted in a subsequent emergency appropriations bill, in response to the terrorists acts on September 11, 2001: *Provided further*: That the President shall transmit an amended budget request proposing an allocation of funds: *Provided further*: That not less than one-half of the \$40,000,000,000 shall be for disaster recovery activities and assistance related to the terrorists acts in New York, Virginia, and Pennsylvania on September 11, 2001, as authorized by law: *Provided further*: That the Director of the Office of Management and Budget shall provide quarterly reports to the Committees on Appropriations on the use of these funds, beginning not later than January 2, 2002: *Provided further*: That the President shall submit to the Congress as soon as practicable detailed requests to meet any further funding requirements for the purposes specified in this Act.

GENERAL PROVISIONS

SEC. 1. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 2. Funds appropriated by this Act, or made available by the transfer of funds in this Act, may be obligated and expended notwithstanding section 10 of Public Law 91-672, section 313 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995, and section 15 of the State Department Basic Authorities Act of 1956.

This Act may be cited as the "2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States."

By Mrs. HUTCHISON:

S. 1427. A bill to amend title 10, United States Code, to authorize disability retirement to be granted posthumously for members of the Armed Forces who die in the line of duty while on active duty, and for other purposes; to the Committee on Armed Services.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1427

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

SECTION 1. POSTHUMOUS DISABILITY RETIREMENT FOR MEMBERS OF THE ARMED FORCES WHO DIE IN THE LINE OF DUTY WHILE ON ACTIVE DUTY.

(a) AUTHORITY.—Chapter 61 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1222. Posthumous retirement: retroactive effective date; related elections

"(a) AUTHORITY.—Upon a determination by the Secretary concerned that it is advantageous for the survivors of a member of the

armed forces who dies in the line of duty while on active duty, the Secretary concerned may—

“(1) posthumously retire the member under section 1201 of this title effective immediately before the member's death; and

“(2) make for the deceased member any election with respect to survivor benefits under laws referred to in subsection (c) that the deceased member would have been entitled to make upon being retired under that section, except that the Secretary may not make an election under section 1448(b)(1) or 1458 of this title.

“(b) CONSTRUCTION WITH SECTION 1201 REQUIREMENTS.—Nothing in this section modifies the requirements set forth in section 1201 of this title regarding determinations or eligibility.

“(c) ADMINISTRATION OF BENEFITS LAWS.—A retirement and election under subsection (a) shall be effective for the purposes of laws administered by the Secretary of Defense or any Secretary concerned and laws administered by the Secretary of Veterans Affairs.

“(d) NONREVIEWABILITY OF DETERMINATIONS.—A determination or election made by a Secretary concerned under subsection (a) is not subject to judicial review.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1222. Posthumous retirement: retroactive effective date; related elections.”

SEC. 2. SURVIVOR BENEFIT PLAN.

(a) SURVIVING SPOUSE ANNUITY.—Section 1448(d) of title 10, United States Code, is amended by striking paragraph (1) and inserting the following:

“(1) SURVIVING SPOUSE ANNUITY.—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of a member who—

“(A) dies in the line of duty while on active duty after—

“(i) becoming eligible to receive retired pay;

“(ii) qualifying for retired pay except that the member has not applied for or been granted that pay; or

“(iii) completing 20 years of active service but before the member is eligible to retire as a commissioned officer because the member has not completed 10 years of active commissioned service; or

“(B) dies in the line of duty while on active duty and is posthumously retired under section 1201 of this title pursuant to section 1222 of this title.”

(b) DEPENDENT CHILD ANNUITY.—Paragraph (2) of such section is amended by striking “or if the member's surviving spouse subsequently dies” and inserting “or if the payment of an annuity to the member's surviving spouse under that paragraph subsequently terminates”.

(c) COMPUTATION OF SURVIVOR ANNUITY.—Section 1451(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) SERVICE MEMBERS POSTHUMOUSLY RETIRED.—In the case of an annuity provided under section 1448(d)(1)(B) of this title, the retired pay to which the member would have been entitled when the member died shall be determined for purposes of paragraph (1) based upon the retired pay base computed for the member under section 1406(b) or 1407 of this title as if the member had been retired under section 1201 of this title on the date of the member's death.”

(d) CONFORMING AMENDMENT.—Section 1451(c)(3) of such title is amended by striking “section 1448(d)(1)(B) or 1448(d)(1)(C)” and inserting “clause (ii) or (iii) of section 1448(d)(1)(A)”.

SEC. 3. EFFECTIVE DATE AND APPLICABILITY.

This Act and the amendments made by this Act shall take effect on September 10, 2001, and shall apply with respect to deaths of members of the Armed Forces occurring on or after that date.

By Mr. JOHNSON:

S. 1430. A bill to authorize the issuance of Unity Bonds in response to the acts of terrorism perpetrated against the United States on September 11, 2001, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. JOHNSON. Mr. President, I rise today to offer a bill to unite our citizens in this time of great crisis. As Americans, we feel many emotions, from anger to sadness, because of the tragedy of the terrorist attacks this past week.

The American people have responded with incredible acts of heroism, kindness and generosity. The outpouring of volunteers, blood donors and contributions of food and money demonstrates that America will unite to provide relief to the victims of these cowardly terrorist acts. This response is the true American spirit our country has always known.

So many of my constituents in South Dakota have called my office this week to ask what they can possibly do to help their fellow Americans who are suffering today. Many have given blood, others have donated to aid organizations, and most have offered prayers for the victims and their families. One woman asked whether she could buy the equivalent of the old war bonds that allowed our citizens to contribute to the war effort back in World War II.

Based on my constituent's idea, today I am introducing legislation that directs the United States Treasury to issue Unity Bonds. Americans who purchase these savings bonds will be contributing to disaster relief to the victims of Tuesday's attack and to our Nation's war against terrorism.

We will recover from this week's attacks. We will rebuild our Nation's infrastructure, and we will rebuild our Nation's spirit. But it will take a sustained, long-term effort to stamp out terrorism against the United States and all other liberty-loving nations.

Unity Bonds will allow Americans who want to show their support for this great country to participate in a meaningful way. I urge you to join me in helping to unite our citizens.

By Mr. MCCONNELL (for himself and Mr. BURNS):

S. 1143. A bill to authorize the Secretary of the Treasury to issue War Bonds in support of recovery and response efforts relating to the September 11, 2001 hijackings and attacks on the Pentagon and the World Trade Center, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MCCONNELL. Mr. President, no American was spared from the horrific and violent assaults on New York and

the Pentagon which shocked us all the morning of September 11, 2001. Yet, even as heroic rescue workers sift through the rubble that remains, our nation is coming together in its resolve to respond to these despicable acts. This indefatigable spirit is a shining symbol of America's resilience and purpose.

The United States will undoubtedly meet the challenges which we now face. As President Bush has stated, “Now that war has been declared on us, we will lead the world to victory.”

Winning the war against terrorism will require the full support of the American public who stand so anxious and so willing to contribute. Therefore, today I am introducing legislation to direct the Department of the Treasury to establish a special category of U.S. savings bonds designated War Bonds.

These War Bonds will give voice to countless Americans who are looking for opportunities to make a difference in this time of need. By investing in a U.S. War Bond, patriotic citizens will have an opportunity to make a direct contribution to the war against the scourge of terrorism and provide much-needed resources for the effort to rescue the injured, rebuild the broken, and retaliate against the enemy.

America's battle against the evil of terrorism will amount to much more than the immediate steps which are being undertaken in the aftermath of Tuesday's carnage. Unlike previous conflicts when Americans had the luxury of recognizing a precise moment of victory, this battle's success will be assured only if our shores never again fall victim to terrorist acts. Thus, by definition, this war will be ongoing. As such, it will be essential for our Government to generate consistent public support for its actions.

The national campaign to sell U.S. War Bonds will serve not only to generate revenue, but will provide an opportunity to educate all Americans on the complicated nature of the terrorist threat and the resulting comprehensive nature of our response. This national effort will build on one of America's proudest traditions. Dating from the Revolutionary War through World War II, our country has relied upon U.S. War Bonds to respond to the threats posed by our most dangerous enemies. The World War II effort generated more than \$200 billion in revenue from patriotic Americans eager to respond to the call of duty. I have no doubt that today's Americans will respond in kind, thus providing unprecedented support for the long road ahead.

I call on all of my colleagues to join me in supporting this legislation.

By Mr. DASCHLE (for himself, and Mr. LOTT):

S.J. Res. 23. A joint resolution to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States; considered and passed.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 23

Whereas, on September 11, 2001, acts of treacherous violence were committed against the United States and its citizens; and

Whereas, such acts render it both necessary and appropriate that the United States exercise its rights to self-defense and to protect United States citizens both at home and abroad, and

Whereas, in light of the threat to the national security and foreign policy of the United States posed by these grave acts of violence, and

Whereas, such acts continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States,

Whereas, the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States.

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for Use of Military Force".

SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

(b) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

On September 13, 2001, the Senate amended and passed H.R. 2500, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2500) entitled "An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert: *That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:*

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$93,433,000, of which not to exceed \$3,317,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and \$8,136,000 shall be expended for the Department Leadership Program: Provided further, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and \$4,811,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs: Provided further, That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act.

JOINT AUTOMATED BOOKING SYSTEM

For expenses necessary for the nationwide deployment of a Joint Automated Booking System including automated capability to transmit fingerprint and image data, \$22,500,000, to remain available until expended.

LEGAL ACTIVITIES OFFICE AUTOMATION

For necessary office-automation expenses of organizations funded under the headings "Salaries and Expenses", General Legal Activities, and "Salaries and Expenses", General Administration, and of the United States Attorneys, the United States Marshals Service, the Antitrust Division, the United States Trustee Program, the Executive Office for Immigration Review, and the Community Relations Service, \$34,600,000, to remain available until expended.

NARROWBAND COMMUNICATIONS

For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, \$204,549,000, to remain available until expended.

PORT SECURITY

For expenses necessary for counter-terrorism, counter-narcotics, and other law enforcement activities at United States seaports, including Great Lakes ports, \$39,950,000, to remain available until expended, to be available only for facilities, equipment, and supplies occupied or used by federal law enforcement agencies, including the United States Customs Service.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, \$45,813,000.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee who shall exercise all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service; and the detention of aliens in the custody of the Immigration and Naturalization Service, \$88,884,000, of which \$87,166,000 shall be available only for prisoner movements handled by the Justice Prisoner and Alien Transportation System: Provided, That the Trustee shall be responsible for overseeing construction of detention facilities or for housing related to such detention; the management of funds appropriated to the Department for the exercise of any detention functions; and the direction of the United States Marshals

Service and Immigration and Naturalization Service with respect to the exercise of detention policy setting and operations for the Department.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$46,006,000; including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, \$8,836,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, \$527,543,000: Provided, That of the funds made available in this appropriation, \$2,612,000 shall remain available until expended only for courtroom technology: Provided further, That of the total amount appropriated, not to exceed \$1,000 shall be available to the United States National Central Bureau, INTERPOL, for representation expenses.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed \$4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$130,791,000: Provided, That, notwithstanding any other provision of law, not to exceed \$130,791,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year 2002 appropriation from the general fund estimated at not more than \$0.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, \$1,260,353,000; of which not to exceed \$2,500,000 shall be available until September 30, 2003, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: Provided, That \$800,000 shall be available only for grants to develop and conduct programs to train State and local law enforcement and prosecutors in the investigation and prosecution of child pornography and child exploitation crimes: Provided further, That of the total amount appropriated, not to exceed \$8,000 shall be available for official reception and representation expenses: Provided further, That of the

amount made available under this heading, \$6,000,000 shall be available only to procure, operate, and maintain gunfire surveillance equipment to support gun prosecution initiatives in high crime areas: Provided further, That not to exceed \$10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: Provided further, That, notwithstanding any other provision of law, the Attorney General shall transfer to the Department of Justice Working Capital Fund, unobligated, all unexpended funds appropriated by the first heading of chapter 2 of title II of division B of Public Law 106-246 and by section 202 of division A of appendix H.R. 5666 of Public Law 106-554: Provided further, That not to exceed \$2,500,000 for the operation of the National Advocacy Center shall remain available until expended: Provided further, That the fourth proviso under the heading "Salaries and Expenses, United States Attorneys" in title I of H.R. 3421 of the 106th Congress, as enacted by section 1000(a)(1) of Public Law 106-113 shall apply to amounts made available under this heading for fiscal year 2002: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 9,539 positions and 9,607 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), \$154,044,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, \$154,044,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year 2002 appropriation from the Fund estimated at \$0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, \$1,130,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service, including the acquisition, lease, maintenance, and operation of vehicles, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, \$644,746,000; of which not to exceed \$6,000 shall be available for official reception and representation expenses; and of which not to exceed \$4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system shall remain available until expended.

In addition, for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, \$18,145,000, to remain available until expended.

CONSTRUCTION

For planning, constructing, renovating, equipping, and maintaining United States Marshals Service prisoner-holding space in United States courthouses and Federal buildings, including the renovation and expansion of prisoner movement areas, elevators, and sallyports, \$25,812,000, to remain available until expended.

JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM FUND, UNITED STATES MARSHALS SERVICE

For necessary expenses to procure replacement aircraft, \$53,050,000, to remain available until expended, shall be available only for the purchase of two long-range, wide body aircraft.

FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service, but not including expenses otherwise provided for in appropriations available to the Attorney General, \$687,682,000, to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, \$156,145,000, to remain available until expended; of which not to exceed \$6,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed \$1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed \$5,000,000 may be made available for the purchase, installation, and maintenance of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, \$9,269,000 and, in addition, up to \$1,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, \$22,949,000, to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, \$1,996,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund of claims covered by the Radiation Exposure Compensation Act \$10,776,000.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$336,966,000, of which \$50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and

prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,354 passenger motor vehicles, of which 1,190 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, \$3,425,041,000; of which not to exceed \$50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed \$1,000,000 for undercover operations shall remain available until September 30, 2003; of which not less than \$485,278,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed \$10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations: Provided, That not to exceed \$45,000 shall be available for official reception and representation expenses: Provided further, That of the amount made available under this heading, \$53,000 shall be available only to reimburse Acadian Ambulance & Air Med Services for costs incurred during the December 1999 prison riot in St. Martin Parish Correctional Center, St. Martin Parish, Louisiana.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; \$44,074,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,477 passenger motor vehicles, of which 1,354 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft, \$1,489,779,000; of which \$33,000,000 for permanent change of station shall remain available until September 30, 2003; of which not to exceed \$1,800,000 for research shall remain available until expended, and of which not to exceed \$4,000,000 for purchase of evidence and payments for information, not to exceed \$10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed \$2,000,000 for laboratory equipment, \$4,000,000 for technical equipment, and \$2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 2003; of which not to exceed \$50,000 shall be available for official reception and representation expenses.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed \$50,000 to meet unforeseen emergencies of a

confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not less than 3,165 passenger motor vehicles, of which not less than 2,211 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; for protecting and maintaining the integrity of the borders of the United States including, without limitation, equipping, maintaining, and making improvements to the infrastructure; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility, \$3,176,037,000; of which \$5,500,000 shall be for the Violence Against Women Act Unit of the Eastern Adjudication Service Center to provide for the processing of immigration self-petitions and U visas under the Violence Against Women Act (Public Law 103-322, reauthorized in Public Law 106-326) and T visas under the Victims of Trafficking and Violence Protection Act (Public Law 106-326), out of which \$500,000 shall be for the Eastern Adjudication Service Center to provide for the production and distribution of training materials to State Department, Justice Department, and other Government officials concerning the immigration provisions of the Violence Against Women Act; of which not to exceed \$400,000 for research shall remain available until expended; of which not to exceed \$10,000,000 shall be available for costs associated with the training program for basic officer training; of which not to exceed \$5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; of which not to exceed \$5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of \$1,153 per pay period during the calendar year beginning January 1, 2002: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed \$45,000 shall be available for official reception and representation expenses: Provided further, That not to exceed 30 permanent positions and 30 full-time equivalent workyears and not to exceed \$4,300,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That, of the amount appropriated under this heading, \$67,000,000 shall be transferred to the Immigration Services and Infrastructure Improvements Account under section 204 of the Immigration Services and Infrastructure Improvements Act of 2000 (8 U.S.C. 1573), to be used for the same purposes for which funds in such account may be used and to remain available until expended: Provided further, That the latter two aforementioned offices shall be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis, or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis and such augmentation may not exceed 10 full-time equivalent workyears.

CONSTRUCTION

For planning, purchase of construction vehicles, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, \$205,015,000, to remain available until expended, of which \$3,000,000 shall be available

only to comply with Occupational Safety and Health Administration programs.

FEDERAL PRISON SYSTEM SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 685, of which 610 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$3,786,228,000, of which \$11,554,000 shall be available only for the activation of the facility at Atwater, California, and of which \$13,323,000 shall be available only for the activation of the facility at Honolulu, Hawaii: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of FPS, furnish health services to individuals committed to the custody of FPS: Provided further, That not to exceed \$6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed \$50,000,000 shall remain available for necessary operations until September 30, 2003: Provided further, That, of the amounts provided for Contract Confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$899,797,000, to remain available until expended, of which not to exceed \$14,000,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation: Provided further, That, of the amount made available under this heading, \$9,962,000 shall be available for partial site and planning for the U.S.P. Northeast/Northern Mid-Atlantic facility to be located in Berlin, New Hampshire: Provided further, That, of the amount made available under this heading, \$66,524,000, to remain available until expended, shall be transferred to, and merged with, funds in the "Immigration and Naturalization Service, Construction" appropriations account, to be available only for the construction of detention facilities: Provided further, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this or any other Act may be transferred to "Salaries and Expenses", Federal Prison System, upon notification by the Attorney General to the

Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"), and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, \$200,738,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Public Law 102-534 (106 Stat. 3524), of which not to exceed \$2,000,000 shall be available for administering a program to award Federal matching grants to States and localities to improve election systems and election administration and for making such grants: Provided, That no funds for the purpose of administering such program or for making such grants shall be made available until the date of enactment of a statute authorizing the expenditure of funds for such a purpose.

In addition, for grants, cooperative agreements, and other assistance authorized by sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996 and for other counterterrorism programs, \$373,800,000, to remain available until expended, of which \$9,800,000 is for an aircraft for counterterrorism and other required activities for the City of New York.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"), \$2,094,990,000 (including amounts for administrative costs, which shall be transferred to and merged with the "Justice Assistance" account), to remain available until expended as follows:

(1) \$400,000,000 for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, Guam shall be considered a "State", the Commonwealth of Puerto Rico shall be considered a

"unit of local government" as well as a "State", for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: Provided, That no funds provided under this heading may be used as matching funds for any other Federal grant program, of which:

(a) \$80,000,000 shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: Provided, That from such funds \$15,000,000 shall be used to carry out the Kids 2000 Act (Public Law 106-313; 114 Stat. 1260): Provided further, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers, and

(b) \$19,956,000 shall be available for grants, contracts, and other assistance to carry out section 102(c) of H.R. 728;

(2) \$265,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended;

(3) \$35,000,000 shall be available for the Cooperative Agreement Program;

(4) \$35,191,000 shall be available for grants under section 20109(a)(2) of subtitle A of title II of the 1994 Act;

(5) \$7,982,000 for the Tribal Courts Initiative;

(6) \$583,125,000 for programs authorized by part E of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act, of which \$84,625,000 shall be for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, of which \$10,000,000 is for the Mental Health Courts Grants Initiative, of which \$1,500,000 shall be for the Standing Against Global Exploitation (SAGE) Project, Inc.;

(7) \$11,975,000 for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act;

(8) \$2,296,000 for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act;

(9) \$184,937,000 for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, of which:

(a) \$1,000,000 shall be for the Bureau of Justice Statistics for grants, contracts, and other assistance for domestic violence federal case processing study,

(b) \$5,200,000 shall be for the National Institute of Justice for grants, contracts, and other assistance for research and evaluation of violence against women,

(c) \$10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, to be administered as authorized by part C of the Juvenile Justice and Delinquency Act of 1974, as amended, and

(d) \$200,000 for the Attorney General to conduct a study and prepare a report to be submitted to the Subcommittee on Commerce, Justice and State Appropriations of the Senate and House of Representatives Appropriations Committee on the response of local law enforcement agencies to emergency calls involving domestic violence;

(10) \$64,925,000 for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act;

(11) \$39,945,000 for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act;

(12) \$4,989,000 for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act, and for local demonstration projects;

(13) \$998,000 for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act;

(14) \$3,000,000 for grants to States and units of local government to improve the process for entering data regarding stalking and domestic violence into local, State, and national crime information databases, as authorized by section 40602 of the 1994 Act;

(15) \$10,000,000 for grants to reduce Violent Crimes Against Women on Campus, as authorized by section 1108(a) of Public Law 106-386;

(16) \$40,000,000 for Legal Assistance for Victims, as authorized by section 1201 of Public Law 106-386;

(17) \$5,000,000 for enhancing protection for older and disabled women from domestic violence and sexual assault as authorized by section 40801 of the 1994 Act;

(18) \$15,000,000 for the Safe Havens for Children Pilot Program as authorized by section 1301 of Public Law 106-386;

(19) \$7,500,000 for Education and Training to end violence against and abuse of women with disabilities, as authorized by section 1402 of Public Law 106-386;

(20) \$68,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act: Provided, That States that have in-prison drug treatment programs, in compliance with Federal requirements, may use their residential substance abuse grants funds for treatment, both during incarceration and after release;

(21) \$4,989,000 for demonstration grants on alcohol and crime in Indian Country;

(22) \$898,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(23) \$50,000,000 for Drug Courts, as authorized by title V of the 1994 Act;

(24) \$1,497,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act;

(25) \$1,995,000 for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act;

(26) \$249,450,000 for Juvenile Accountability Incentive Block Grants except that such funds shall be subject to the same terms and conditions as set forth in the provisions under this heading for this program in Public Law 105-119, but all references in such provisions to 1998 shall be deemed to refer instead to 2002, and Guam shall be considered a "State" for the purposes of title III of H.R. 3, as passed by the House of Representatives on May 8, 1997; and

(27) \$1,298,000 for the Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act:

Provided, That funds made available in fiscal year 2002 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: Provided further, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, \$58,925,000, to remain available until expended, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government, engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation ac-

counts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322 ("the 1994 Act") (including administrative costs), \$1,049,659,000, to remain available until expended; of which \$175,962,000 shall be available to the Office of Justice Programs to carry out section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which \$35,000,000 is for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which \$35,000,000 is for DNA testing as authorized by the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106-546), of which \$35,000,000 is for the State and local DNA laboratories as authorized by section 1001(a)(22) of the 1968 Act, and improvements to the State and local forensic general science capabilities to reduce State and local DNA convicted offender sample backlog and for awards to State, local, and private laboratories, including \$1,500,000 for a computer forensic lab in Ohio, of which \$600,000 shall be available to the Mecklenburg County, North Carolina Sheriff's Office for a Sex Offender Registration Unit, of which \$25,000,000 shall be available for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797j et seq.), and of which \$17,000,000 is for the National Institute of Justice for grants, contracts, and other agreements to develop school safety technologies and training; of which \$514,209,000 is for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, of which \$190,291,000 shall be available for the COPs hiring program, of which \$180,000,000 shall be available for school resource officers, of which \$35,000,000 shall be used to improve tribal law enforcement including equipment and training, of which \$25,444,000 shall be used for the Matching Grant Program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"), as amended, of which \$30,000,000 shall be used for Police Corps education, training, and service as set forth in sections 200101-200113 of the 1994 Act, and of which \$20,662,000 shall be used to provide training and technical assistance; of which \$155,467,000 shall be used for a law enforcement technology program, of which \$1,900,000 shall be available only for the New Jersey State Police Law Enforcement Training Center, of which \$1,500,000 shall be available only for in-car cameras for Arkansas State Police cruisers, of which \$1,000,000 is to the National Sheriff's Association to conduct a multi-State information sharing demonstration project, of which \$7,202,000, to remain available until September 30, 2003, shall be transferred to, and merged with, funds in the Federal Bureau of Investigation, "Salaries and Expenses" appropriations account to be available only to maintain or establish not more than 4 regional computer forensic labs in affiliation with the Federal Bureau of Investigation Laboratory Division, of which \$1,005,000, to remain available until September 30, 2003, shall be transferred to, and merged with, funds in the

Federal Bureau of Investigation, "Salaries and Expenses" appropriations account to be available only to expand the Violent Criminal Apprehension Program to include sexual assault, of which \$3,800,000 will be for a grant to the Jersey City Police Department's Crime Identification System to upgrade communications systems, of which \$350,000 shall be transferred to, and merged with, funds in the "Salaries and Expenses", General Legal Activities appropriations account to be available only for equipment to connect Interpol to the National Law Enforcement Telecommunications System, of which \$3,000,000 shall be for a grant to the Law Enforcement Innovation Center at the University of Tennessee, of which \$2,000,000 shall be available only for law enforcement technology upgrades for Berlin, New Hampshire, and of which \$4,000,000, to remain available until September 30, 2003, shall be transferred to, and merged with, funds in the Federal Bureau of Investigation, "Salaries and Expenses" appropriations account to be available only to maintain or establish not more than 4 regional mitochondrial DNA forensic labs in affiliation with the Federal Bureau of Investigation Laboratory Division; of which \$49,493,000 shall be used for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in drug "hot spots", of which \$1,300,000 shall be for a grant to the California Department of Justice for a methamphetamine initiative, of which \$1,100,000 shall be for a methamphetamine initiative in the State of Missouri; of which \$99,780,000 for a prosecution assistance program to reimburse State, county, parish, or municipal governments only for Federal costs associated with the prosecution of criminal cases declined by local U.S. Attorneys' offices, of which \$49,780,000 shall be for a national program to reduce gun violence, and of which \$50,000,000 shall be for the Southwest Border Prosecutor Initiative; of which \$16,963,000 shall be for a police integrity program; of which \$22,851,000 is for the Safe Schools Initiative; and of which \$14,934,000 shall be for an offender re-entry program: Provided, That of the amount provided for Public Safety and Community Policing Grants, not to exceed \$32,812,000 shall be expended for program management and administration: Provided further, That of the prior year balances available in this program, \$46,000,000 shall be available for the direct hiring of law enforcement officers through the Universal Hiring Program: Provided further, That Section 1703(b) and (c) of the 1968 Act shall not apply to non-hiring grants made pursuant to part Q of title I thereof (42 U.S.C. 3796 d.d. et seq.).

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, ("the Act"), including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, \$324,926,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102-586, of which: (1) notwithstanding any other provision of law, \$6,847,000 shall be available for expenses authorized by part A of title II of the Act, \$88,804,000 shall be available for expenses authorized by part B of title II of the Act, and \$60,591,000 shall be available for expenses authorized by part C of title II of the Act, of which \$300,000 shall be available only for the "From Darkness to Light" program in Charleston, South Carolina, of which \$5,000,000 is to fund the Strengthening Abuse and Neglect Courts Act, of which not to exceed \$5,000,000 shall be available for grants for local juvenile justice programs for mental health screening and treatment for juvenile offenders during incarceration that are consistent with guidelines issued by the Attorney General, of which \$500,000 is for the

Boy Scouts "Learning for Life" program, of which \$500,000 for the Elwyn Project in Pennsylvania to reduce placement in institutions of mentally ill youth, \$400,000 for the Center for Corrections Education at Indiana University of Pennsylvania to develop and establish a program to train educators within corrections institutions throughout the United States, and \$100,000 to replicate a witness relocation program in Pennsylvania, of which \$250,000 shall be for a grant to the Rapid Response Program in Washington and Hancock Counties, Maine: Provided, That \$26,442,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than 1 year after date of application) policies and programs, that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) \$11,974,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) \$9,978,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) \$15,965,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) \$130,767,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs; of which \$12,472,000 shall be for delinquency prevention, control, and system improvement programs for tribal youth; of which \$25,000,000 shall be available for grants of \$360,000 to each State and \$6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training; and of which \$15,000,000 shall be available for the Safe Schools Initiative: Provided further, That of amounts made available under the Juvenile Justice Programs of the Office of Justice Programs to carry out part B (relating to Federal Assistance for State and Local Programs), subpart II of part C (relating to Special Emphasis Prevention and Treatment Programs), part D (relating to Gang-Free Schools and Communities and Community-Based Gang Intervention), part E (relating to State Challenge Activities), and part G (relating to Mentoring) of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, and to carry out the At-Risk Children's Program under title V of that Act, not more than 10 percent of each such amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized under the appropriate part or title, and not more than 2 percent of each such amount may be used for training and technical assistance activities designed to benefit the programs or activities authorized under that part or title.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, \$8,481,000, to remain available until expended, as authorized by section 214B of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340); and \$2,395,000, to remain available until expended for payments as authorized by section 1201(b) of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Section 124 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as contained in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, is repealed.

SEC. 103. Notwithstanding any other provision of law, not to exceed \$10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: Provided, That any reward of \$100,000 or more, up to a maximum of \$2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 104. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 105. Section 286(q)(1)(A) of the Immigration and Nationality Act of 1953, as amended, is further amended by striking "6" and inserting "96".

SEC. 106. Notwithstanding any other provision of law, \$1,000,000 shall be available for technical assistance from the funds appropriated for part G of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

SEC. 107. In instances where the Attorney General determines that law enforcement-, security-, or mission-related considerations mitigate against obtaining maintenance or repair services from private sector entities for equipment under warranty, the Attorney General is authorized to seek reimbursement from such entities for warranty work performed at Department of Justice facilities and, notwithstanding any other provision of law, to credit any payment made for such work to any appropriation charged therefore.

SEC. 108. Section 286(e)(1) of the Immigration and Nationality Act (8 U.S.C. 1356(e)(1)) is amended to read as follows:

"(1)(A) Except as provided in subparagraph (B), the Attorney General is authorized to charge and collect a fee in the amount of \$1.50 for each individual with respect to whom immigration inspection services or preinspection services are provided in connection with the arrival in the United States of the individual as a passenger on a commercial vessel, if the passenger's journey originated in any of the following:

- "(i) Mexico.
- "(ii) Canada.
- "(iii) A State, territory, or possession of the United States.
- "(iv) Any adjacent island (within the meaning of section 101(b)(5)).

"(B) The authority of subparagraph (A) does not apply to immigration inspection services or preinspection services provided at a designated port of entry in connection with the arrival of a passenger by means of a Great Lakes international ferry, or by means of any vessel that transits the Great Lakes or its connecting waterways, if the ferry or other vessel operates on a regular schedule."

SEC. 109. Section 245(i) of the Immigration and Nationality Act (8 U.S.C. 1255(i)) is amended—

(1) in paragraph (1), by amending the first sentence to read as follows: "Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States who—

"(A) entered the United States without inspection; or

"(B) is within one of the classes enumerated in subsection (c) of this section, may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence.""; and

(2) by amending paragraph (3)(B) to read as follows:

"(B) One-half of any remaining portion of such fees remitted under such paragraphs shall be deposited by the Attorney General into the Immigration Examination Fee Account established under section 286(m), and one-half of any remaining portion of such fees shall be deposited by the Attorney General into the Breached Bond/Detention Fund established under section 286(r)."

SEC. 110. Section 1402(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(3)), is amended by striking the period at the end and inserting ", and for a Victim Notification System."

SEC. 111. Section 6 of the Hmong Veterans' Naturalization Act of 2000 (Public Law 106-207; 8 U.S.C. 1423 note) (as amended by Public Law 106-415) is amended by striking "18 months" each place such term appears and inserting "36 months".

This title may be cited as the "Department of Justice Appropriations Act, 2002".

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and employment of experts and consultants as authorized by 5 U.S.C. 3109, \$30,097,000, of which \$1,000,000 shall remain available until expended: Provided, That not to exceed \$98,000 shall be available for official reception and representation expenses.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$51,440,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary mountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such

claims arise in foreign countries; not to exceed \$327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$30,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, \$347,090,000, to remain available until expended, of which \$3,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That \$67,320,000 shall be for Trade Development, \$27,441,000 shall be for Market Access and Compliance, \$42,859,000 shall be for the Import Administration, \$193,824,000 shall be for the United States and Foreign Commercial Service, and \$13,146,000 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, \$68,893,000, to remain available until expended, of which \$7,250,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and for trade adjustment assistance, \$341,000,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$30,557,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$28,381,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$62,515,000, to remain available until September 30, 2003.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$168,561,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, \$348,529,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), \$14,054,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$43,466,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed \$2,358,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$15,503,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed \$3,097,000 shall be available for program administration and other support activities as authorized by section 391: Provided further, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: Provided further, That, notwithstanding the requirements of sections 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: Provided further, That notwithstanding any other

provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, \$856,701,000, to remain available until expended, which amount shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: Provided, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in fiscal year 2002 appropriation from the general fund estimated at \$0: Provided further, That during fiscal year 2002, should the total amount of offsetting fee collections be less than \$856,701,000, the total amounts available to the United States Patent and Trademark Office shall be reduced accordingly: Provided further, That an additional amount not to exceed \$282,300,000 from fees collected in prior fiscal years shall be available for obligation in fiscal year 2002, to remain available until expended: Provided further, That from amounts provided herein, not to exceed \$5,000 shall be made available in fiscal year 2002 for official reception and representation expenses.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, \$8,238,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, \$343,296,000, to remain available until expended, of which not to exceed \$282,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, \$105,137,000, to remain available until expended: Provided, That the Secretary of Commerce is authorized to enter into agreements with one or more nonprofit organizations for the purpose of carrying out collective research and development initiatives pertaining to 15 U.S.C. 278k paragraph (a), and is authorized to seek and accept contributions from public and private sources to support these efforts as necessary.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, \$204,200,000, to remain available until expended, of which not to exceed \$60,700,000 shall be available for the award of new grants.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c-278e, \$43,893,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i, \$2,273,305,000, to remain available until expended, of which \$2,000,000 shall be for West Coast Groundfish Cooperative Research and \$3,000,000 shall be for Oregon Groundfish Disaster Assistance, of which \$300,000 shall be available only for a variable and Eurasian milfoil education and prevention program in New Hampshire and \$300,000 shall be available only for the Connecticut River Partnership: Provided, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, \$68,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That in addition, not to exceed \$3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management": Provided further, That of the amounts made available to the National Marine Fisheries Service, not less than \$29,000,000 shall be for Alaskan Steller sea lion research: Provided further, That such sums as are necessary shall be available to the National Marine Fisheries Service, in collaboration with the United States Fish and Wildlife Service, to conduct a review of the agencies' joint regulations governing consultations on Federal agency actions under subsection (a)(2) of section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), so as to streamline the consultation process to ensure that consultations are completed within the deadlines provided in that section and have streamlined documentation requirements consistent with that section, and to make any necessary modifications to those regulations not later than April 1, 2003: Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed \$2,000,000: Provided further, That of the amount provided under this heading, for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, \$33,650,000 to remain available until expended, for the purposes of discretionary spending limits: Provided further, That not to exceed \$23,890,000 shall be expended for Executive Direction and Administration, which consists of the Offices of the Undersecretary, the Executive Secretariat, Policy and Strategic Planning, International Affairs, Legislative Affairs, Public Affairs, Sustainable Development, the Chief Scientist, and the General Counsel: Provided further, That the aforementioned offices, excluding the Office of the General Counsel, shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis above the level of 42 personnel: Provided further, That of the amount provided to the National Marine Fisheries Service, a total of \$6,000,000 shall be provided to the National Oceanic and Atmospheric Administration Office of General Counsel: Provided further, That the National Marine Fisheries Service shall be obligated for payment of all fisheries-related reimbursable work performed by the National Oceanic and Atmospheric Administration Office of General Counsel: Provided further, That the Secretary may proceed as he deems necessary to have the National Oceanic and Atmospheric Administration occupy and operate its research facilities which are located at Lafayette, Louisiana: Provided further, That \$1,500,000 shall be available only for the planning and design of research facilities which shall be located in Lafayette, Louisiana: Provided further, That the R/V FAIRWEATHER shall be homeported in Ketchikan, Alaska: Provided further, That no general administrative charge shall be applied against an assigned activity included in this Act and, further, that any direct administrative expenses applied against an assigned activity shall be limited to 5 percent of the funds provided for that assigned activity: Provided further, That any use of deobligated balances of funds in excess of \$22,000,000 shall be subject to the procedures set forth in section 605 of this Act.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

In addition, there is hereby established the Business Management Fund of the National Oceanic and Atmospheric Administration, which shall be available without fiscal year limitation for expense and equipment necessary for the maintenance and operations of such services and projects as the Administrator of the National Oceanic and Atmospheric Administration determines may be performed more advantageously when centralized: Provided, That such central services shall, to the fullest extent practicable, be used to make unnecessary the maintenance of separate like services in the divisions and offices of the National Oceanic and Atmospheric Administration: Provided further, That a separate schedule of expenditures and reimbursements, and a statement of the current assets and liabilities of the Business Management Fund as of the close of the completed fiscal year, shall be prepared each year and submitted to Congress: Provided further, That notwithstanding 31 U.S.C. 3302, the Business Management Fund may be credited with advances and reimbursements from applicable appropriations of the National Oceanic and Atmospheric Administration and from funds of other agencies or entities for services furnished pursuant to law: Provided further, That any inventories, equipment, systems, real property and other assets over \$25,000, pertaining to the services to be provided by such funds, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made hereafter for the purpose of providing capital, shall be used to capitalize the Business Management Fund: Provided further, That the National Oceanic and Atmospheric Administration Business Management Fund shall be authorized to create an initial cash corpus of \$5,000,000 from deobligations and continued funding as may be or become available from deobligations: Provided further, That the Business Management Fund shall provide for centralized services at rates which return in full all expenses of operation and services, including depreciation or full overhead costs of fund plant and equipment, plus an amount equal to projected inflation, amortization of automated data processing software and hardware systems, and an amount not to exceed four percent necessary to maintain an operating level in the fund as determined by the Administrator: Provided further, That full implementation of the Business Management Fund will be phased in over a period not less than three years nor more than five fiscal years.

There is hereby established the following organizational structure for the Business Management Fund of the National Oceanic and Atmospheric Administration: Provided, That the overall responsibility for the National Oceanic and Atmospheric Administration Business Management Fund lies with the Administrator of the National Oceanic and Atmospheric Administration: Provided further, That general management of the National Oceanic and Atmospheric Administration's Business Management Fund may be delegated by the Administrator to the Chief Financial Officer/Chief Administrative Officer of the National Oceanic and Atmospheric Administration.

**PROCUREMENT, ACQUISITION AND CONSTRUCTION
(INCLUDING TRANSFERS OF FUNDS)**

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$940,610,000, to remain available until expended: Provided, That unexpended balances of amounts previously made available in the "Operations, Research, and Facilities" account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated: Provided further, That of the amount provided under this heading for expenses necessary to carry out conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, including funds for the Coastal and Estuarine Land Conservation Program, \$83,410,000 to remain available until expended: Provided further, That, notwithstanding any other provision of law, of the above amounts, \$60,000,000 shall be used to initiate the "Coastal and Estuarine Land Conservation Program", for which there shall be no matching requirement, of which \$2,500,000 is for coastal land acquisition at Rocky Point in Warwick, Rhode Island: Provided further, That none of the funds provided in this Act or any other Act under the heading "National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction" shall be used to fund the General Services Administration's standard construction and tenant build-out costs of a facility at the Suitland Federal Center.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses to carry out the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, including funds for the Endangered Species Act-Pacific Salmon Recovery, the Columbia River Hatcheries, the Columbia River Facilities, Pacific Salmon Treaty Implementation, \$137,940,000, to remain available until expended.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed \$3,000,000 shall be transferred to the Operations, Research, and Facilities account to offset the costs of implementing such Act.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed \$952,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100-627), and the American Fisheries Promotion Act (Public Law 96-561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed \$191,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, \$287,000, as authorized by the Merchant Marine Act of 1936, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

**DEPARTMENTAL MANAGEMENT
SALARIES AND EXPENSES**

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed \$8,000 for official entertainment, \$42,062,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11, as amended by Public Law 100-504), \$21,176,000.

**GENERAL PROVISIONS—DEPARTMENT OF
COMMERCE**

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901-5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 205. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 207. The Secretary of Commerce may use the Commerce franchise fund for expenses and

equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103-356: Provided, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: Provided further, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: Provided further, That such fund shall provide services on a competitive basis: Provided further, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2002 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of department financial management, ADP, and other support systems: Provided further, That such amounts retained in the fund for fiscal year 2002 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: Provided further, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: Provided further, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103-356.

SEC. 208. Notwithstanding any other provision of law, of the amounts made available elsewhere in this title to the "National Institute of Standards and Technology, Construction of Research Facilities", \$5,000,000 is appropriated to fund a cooperative agreement with the Medical University of South Carolina, \$6,000,000 is appropriated to the Thayer School of Engineering for the nanocrystalline materials and biomass research initiative, \$3,000,000 is appropriated to the Institute for Information Infrastructure Protection at the Institute for Security Technology Studies, and \$4,000,000 is appropriated for the Institute for Politics.

SEC. 209. (a) Notwithstanding any other provision of law, the total amount of funds that may be transferred into the "Working Capital Fund" in fiscal year 2002, or in any fiscal year thereafter, may not exceed \$117,000,000.

(b) All transfers of funds, functions, or personnel to or from the Working Capital Fund in fiscal year 2002 and any fiscal year thereafter shall be subject to section 605, without regard to the amount of the reprogramming or the purpose of the funds so reprogrammed.

(c) Of the amounts available under this section for salaries of the staff of the Department of Commerce, the amount obligated for that purpose before December 15, 2001, may not exceed \$29,250,000.

(d)(1) Not later than December 15, 2001, the Secretary of Commerce shall submit to the Committees on Appropriations of the Senate and House of Representatives a report setting forth the proposed disbursements from the Working Capital Fund during fiscal year 2002.

(2) Of the proposed disbursements in the report under paragraph (1)—

(A) not more than \$7,000,000 of the proposed disbursements may be for the Commerce Administrative Management System or support for the Commerce Administrative Management System Support Center; and

(B) none of the proposed disbursements for that System may be from or attributable to the

National Oceanic and Atmospheric Administration.

(3) Disbursements from the Working Capital Fund in fiscal year 2002 may not be made until 15 days after the date on which the report is submitted under paragraph (1).

(4) Any modification of a proposed disbursement from the Working Capital Fund previously specified in the report under paragraph (1) shall be treated as a reprogramming of funds to which section 605 applies, without regard to the amount of the modification or the purpose of the disbursement, as so modified.

(5)(A) If a disbursement from the Working Capital Fund in fiscal year 2002 will require any bureau or organization in the Department of Commerce to incur costs not previously specified in the report under paragraph (1), the disbursement may not be made until 15 days after the date on which such bureau or organization submits to the Committees on Appropriations of the Senate and House of Representatives a Memorandum of Agreement providing for such bureau or organization to incur such costs.

(B) Each Memorandum of Agreement under this paragraph shall specify the provision of statute providing authority for the disbursement concerned.

(e) Amounts in the "Advances and Reimbursements" account may not be used to assess or collect costs or charges against or from any bureau or organization of the Department of Commerce unless the costs or charges are incurred for a project has been approved as a request for reprogramming under section 605.

(f) The Office of Management and Budget shall issue a quarterly Apportionment and Reapportionment Schedule, and a Standard Form 133, for the Working Capital Fund and the "Advances and Reimbursements" account based upon the report required by subsection (d)(1).

SEC. 210. (a) Notwithstanding section 102 of the Marine Mammal Protection Act of 1972, as amended, or section 9 of the Endangered Species Act of 1973, the Anchorage Sister Cities Commission of Anchorage, Alaska, may export, on a one-time basis, to the Town of Whitby, in the care of the Scarborough Borough Council, Whitby, North Yorkshire, United Kingdom, two bowhead whale jawbones taken as part of a legal subsistence hunt by Native Alaskans and identified in U.S. Fish and Wildlife Service, Convention on International Trade of Endangered Species, permit 01US037393/9.

(b) The Anchorage Sister Cities Commission shall notify the National Marine Fisheries Service Office of Enforcement 15 days prior to shipment to ensure compliance with all applicable export requirements.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 2002".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed \$10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, \$39,988,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), \$7,530,000, of which \$4,460,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, \$19,372,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, \$13,054,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, \$3,559,012,000 (including the purchase of firearms and ammunition); of which not to exceed \$27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects: Provided, That, of the amount made available under this heading, \$33,000, shall be transferred to, and merged with, funds in the "Salaries and Expenses, United States Marshals Service" appropriations account in title I of the Act, to be available only for court operations in Lander, Wyoming.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$2,692,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), \$463,756,000, of which \$257,710,000 is for federal defender organizations, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), \$50,131,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of mail and packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), \$209,762,000, of which not to exceed \$10,000,000 shall remain available until expended for security systems and contract costs for court security officers, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General: Provided, That, of the amount made available under this heading, \$3,580,000, to remain available until expended, shall be transferred to, and merged with, funds in the "Narrowband Communications" appropriations account in title I of this Act, to be administered by the Department of Justice Wireless Management Office and to be available only for the conversion to narrowband communications and for the operations and maintenance of legacy radio systems.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, \$58,212,000, of which \$3,000,000 shall only be available, by grant, for caption training, and of which not to exceed \$8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, \$19,742,000; of which \$1,800,000 shall remain available through September 30, 2003, to provide education and training to Federal court personnel; and of which not to exceed \$1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), \$26,700,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), \$8,400,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), \$1,900,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$11,327,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased

by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed \$11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Section 140 of Public Law 97-92 (28 U.S.C. 461 note; 95 Stat. 1200) shall apply to fiscal year 2002 and each fiscal year thereafter.

SEC. 305. Of the unexpended balances transferred to the Commission on Structural Alternatives in Federal Appellate Courts, \$400,000 shall be transferred to, and merged with, funds in the "Federal Judicial Center, Salaries and Expenses" appropriations account to be available only for distance learning.

SEC. 306. Pursuant to section 140 of Public Law 97-92, Justices and judges of the United States are authorized during fiscal year 2002, to receive a salary adjustment in accordance with 28 U.S.C. 461: Provided, That \$8,625,000 is appropriated for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in title III of this Act.

This title may be cited as this "Judiciary Appropriations Act, 2002".

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed \$700,000 of this appropriation), as authorized; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, \$3,061,805,000: Provided, That, of the amount made available under this heading, not to exceed \$4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: Provided further, That of the amount made available under this heading, \$7,800,000 shall be available only to provide language, security, leadership and management, and professional training: Provided further, That of the amount made available under this heading, \$6,000,000 to remain available until expended, shall be transferred to, and merged with, funds in the "Narrowband Communications" appropriations account in title I of this Act, to be administered by the Department of Justice Wireless Management Office and to be available only for the conversion to narrowband communications and for the operations and maintenance of legacy radio systems: Provided further, That of the amount made available under this heading, \$694,190,000 shall be available only for information resource management: Provided further, That of the amount made available under this heading, \$9,000,000 shall be available only for the East-West Center: Provided further, That, notwithstanding any other provision of law, not

to exceed \$335,000,000 of offsetting collections derived from fees collected under the authority of section 104(a)(1) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) during fiscal year 2002 shall be retained and used for authorized expenses in this appropriation and shall remain available until expended: Provided further, That any fees received in excess of \$335,000,000 in fiscal year 2002 shall not be available for obligation and shall be returned to the General Fund: Provided further, That notwithstanding any other provision of law, a citizen of the United States approved by the Department of State to serve as Deputy Director General of the World Intellectual Property Organization shall, while serving in such position, be deemed an employee in a foreign area within the meaning of 5 U.S.C. Section 5923, and qualify for a living quarters allowance as authorized by 5 U.S.C. 5923(2): Provided further, That a citizen of the United States approved by the Department of State to serve as Deputy Director General of the World Intellectual Property Organization shall, while serving in such position, be deemed an employee approved for transfer to an international organization within the meaning of 5 U.S.C. Section 352, and eligible to continue participating in the retirement, health benefit, group life insurance, and other benefit programs as provided in that section: Provided further, That advances for services authorized by 22 U.S.C. 3620(c) may be credited to this account, to remain available until expended for such services: Provided further, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China, unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action: Provided further, That of the amounts made available under this heading, \$5,000,000 shall be available only for the reimbursement costs incurred by the State of Hawaii for security expenses relating to the May 2001 Asian Development Bank Meeting: Provided further, That of the amount made available under this heading, \$45,419,000 shall only be available to implement the 1999 Pacific Salmon Treaty Agreement, of which \$20,000,000 shall be deposited in the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund, of which \$20,000,000 shall be deposited in the Southern Boundary Restoration and Enhancement Fund, and of which \$5,419,000 shall be for a direct payment to the State of Washington for obligations under the 1999 Pacific Salmon Treaty Agreement.

In addition, not to exceed \$1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, as amended; in addition, as authorized by section 5 of such Act, \$490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed \$6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs, and from fees from educational advising and counseling, and exchange visitor programs; and, in addition, not to exceed \$15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, \$409,363,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, \$210,000,000, to remain available

until expended, as authorized: Provided, That section 135(e) of Public Law 103-236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$28,427,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96-465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, \$242,000,000, to remain available until expended: Provided, That not to exceed \$800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and educational advising and counseling programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, \$9,000,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, \$10,000,000, to remain available until September 30, 2003.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Main State Building, and carrying out the Diplomatic Security Construction Program as authorized, \$405,391,000, to remain available until expended as authorized, of which not to exceed \$25,000 may be used for domestic and overseas representation as authorized: Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction, \$661,560,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, \$5,465,000, to remain available until expended as authorized, of which not to exceed \$1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$612,000, as authorized: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, \$607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8, \$17,044,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, \$135,629,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership

in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, \$1,091,348,000: Provided, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: Provided further, That funds appropriated under this paragraph may be obligated and expended to pay the full United States assessment to the civil budget of the North Atlantic Treaty Organization.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, \$773,182,000, of which 15 percent shall remain available until September 30, 2003: Provided, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, \$7,452,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$24,154,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103-182, \$6,879,000, of which not to exceed \$9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$20,780,000: Provided, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101-246, \$8,000,000, to remain available until expended, as authorized.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204-5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2002, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2002, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, \$14,000,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, \$31,000,000, to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, \$414,752,000, of which not to exceed \$16,000 may be used for official receptions within the United States as authorized, not to exceed \$35,000 may be used for representation abroad as authorized, and not to exceed \$39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed \$2,000,000 in receipts from advertising and revenue from business ventures, not to exceed \$500,000 in receipts from co-operating international organizations, and not to exceed \$1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING TO CUBA

For necessary expenses to enable the Broadcasting Board of Governors to carry out broadcasting to Cuba, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, \$24,872,000, to remain available until expended.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, \$16,900,000, to remain available until expended, as authorized.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 404. There is hereby enacted into law S. 1084 of the 107th Congress (as introduced on June 21, 2001).

SEC. 405. Hereafter, none of the funds appropriated or otherwise made available for the United Nations may be used by the United Nations for the promulgation or enforcement of any treaty, resolution, or regulation authorizing the United Nations, or any of its specialized agencies or affiliated organizations, to tax any aspect of the Internet or international currency transactions.

SEC. 406. None of the funds appropriated or otherwise made available by this Act or any other Act for fiscal year 2002 or any fiscal year thereafter may be obligated or expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

SEC. 407. None of the funds appropriated or otherwise made available by this Act or any other Act for fiscal year 2002 or any fiscal year thereafter may be obligated or expended for the publication of any official Government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

SEC. 408. For the purposes of registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon request of the citizen, record the place of birth as Israel.

This title may be cited as the "Department of State and Related Agency Appropriations Act, 2002".

TITLE V—RELATED AGENCIES
DEPARTMENT OF TRANSPORTATION
MARITIME ADMINISTRATION
MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$98,700,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$89,054,000, of which \$13,000,000 shall remain available until expended for capital improvements at the U.S. Merchant Marine Academy.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM
ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, \$100,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed \$3,978,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME
ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act.

COMMISSION FOR THE PRESERVATION OF
AMERICA'S HERITAGE ABROAD
SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, \$489,000, as authorized by section 1303 of Public Law 99-83.

COMMISSION ON CIVIL RIGHTS
SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$9,096,000: Provided, That not to exceed \$50,000 may be used to employ consultants: Provided further, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON OCEAN POLICY
SALARIES AND EXPENSES

For the necessary expenses of the Commission on Ocean Policy, pursuant to Public Law 106-256, \$2,500,000, to remain available until expended: Provided, That the Commission shall present to the Congress within 18 months of appointment its recommendations for a national ocean policy.

COMMISSION ON SECURITY AND COOPERATION IN
EUROPE
SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, \$1,432,000, to remain available until expended as authorized by section 3 of Public Law 99-7.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE
PEOPLE'S REPUBLIC OF CHINA
SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, \$500,000, to remain available until expended.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621-634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed \$33,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, \$310,406,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-5902; not to exceed \$600,000 for land and structure; not to exceed \$500,000 for improvement and care of grounds and repair to buildings; not to exceed \$4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, \$252,545,000, of which not to exceed \$300,000 shall remain available until September 30, 2003, for research and policy studies: Provided, That \$218,757,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation estimated at \$29,788,000: Provided further, That any offsetting collections received in excess of \$218,757,000 in fiscal year 2002 shall remain available until expended, but shall not be available for obligation until October 1, 2002.

FEDERAL MARITIME COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, \$17,450,000: Provided, That not to exceed \$2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances

therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$2,000 for official reception and representation expenses, \$156,270,000: Provided, That not to exceed \$300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: Provided further, That, notwithstanding any other provision of law, not to exceed \$156,270,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year 2002 appropriation from the general fund estimated at not more than \$0, to remain available until expended: Provided further, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102-242; 105 Stat. 2282-2285).

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$329,300,000, of which \$310,000,000 is for basic field programs and required independent audits; \$2,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$12,400,000 is for management and administration and \$4,400,000 is for client self-help and information technology: Provided, That none of such funds for management and administration shall be obligated or expended for any program that is in addition to, or expanded from, the programs funded under this heading for fiscal year 2001, unless the Legal Services Corporation prepares a spending plan for such funds, and notifies the Committees on Appropriations of the House of Representatives and the Senate concerning the contents of the spending plan.

ADMINISTRATIVE PROVISION—LEGAL SERVICES
CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2001 and 2002, respectively.

MARINE MAMMAL COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, \$1,957,000.

NATIONAL VETERANS BUSINESS DEVELOPMENT
CORPORATION

For necessary expenses of the National Veterans Business Development Corporation as authorized under section 33(a) of the Small Business Act, as amended, \$4,000,000.

SECURITIES AND EXCHANGE COMMISSION
SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed

\$3,000 for official reception and representation expenses, \$109,500,000 from fees collected in fiscal year 2002 to remain available until expended, and from fees collected in fiscal year 2000, \$404,547,000 to remain available until expended; of which not to exceed \$10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed \$100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: Provided, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections: Provided further, That fees collected as authorized by section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) for sales transacted on, and with respect to securities registered solely on, an exchange that is initially granted registration as a national securities exchange after February 24, 2000 shall be credited to this account as offsetting collections: Provided further, That for purposes of collections under section 31, a security shall not be deemed registered on a national securities exchange solely because that national securities exchange continues or extends unlisted trading privileges to that security.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 105-135, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed \$3,500 for official reception and representation expenses, \$333,233,000: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: Provided further, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: Provided further, That \$88,000,000 shall be available to fund grants for performance in fiscal year 2002 or fiscal year 2003 as authorized by section 21 of the Small Business Act, as amended: Provided further, That \$13,700,000 shall be available in fiscal year 2002 to fund grants authorized by section 29 of the Small Business Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), \$11,000,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$1,860,000, to be available until expended; and for the cost of guaranteed loans, \$93,500,000, as authorized by 15 U.S.C. 631 note, of which \$45,000,000 shall remain available until September 30, 2003: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2002, commitments to guarantee loans under section 503 of the Small Business Invest-

ment Act of 1958, as amended, shall not exceed \$4,500,000,000, as provided under section 20(h)(1)(B)(ii) of the Small Business Act: Provided further, That during fiscal year 2002, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed \$10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act: Provided further, That during fiscal year 2002, commitments to guarantee loans for debentures and participating securities under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed the levels established by section 20(h)(1)(C) of the Small Business Act.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, \$79,510,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct loan program, \$125,354,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which \$500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which \$115,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which \$9,854,000 is for indirect administrative expenses: Provided, That any amount in excess of \$9,854,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102-572; 106 Stat. 4515-4516), \$6,225,000, to remain available until expended: Provided, That not to exceed \$2,500 shall be available for official reception and representation expenses.

UNITED STATES-CANADA ALASKA RAIL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the "United States-Canada Alaska Rail Commission", as authorized by Title III of Public Law 106-520, \$4,000,000, to remain available until expended.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or

propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. (a) The caption for section 504 of title 28, United States Code, is amended by replacing "Attorney" with "Attorneys".

(b) Section 504 of title 28, United States Code, is amended by inserting after "General" the following, "and a Deputy Attorney General for Combating Domestic Terrorism".

(c) There is established within the Department of Justice the position of Deputy Attorney General for Combating Domestic Terrorism, who shall be appointed by the President, by and with the advice and consent of the Senate.

(d) Subject to the authority of the Attorney General, the Deputy Attorney General for Combating Domestic Terrorism shall serve as the principal advisor to the Attorney General on, and, with the Deputy Director of the Federal Emergency Management Agency, serve as one of two key government officials responsible for domestic counterterrorism and antiterrorism policy.

(e) The Deputy Attorney General for Combating Terrorism together with the Deputy Director of the Federal Emergency Management Agency shall coordinate all functions of the Federal Government related to domestic counterterrorism and antiterrorism activities, including—

(1) the development of a National Strategy for Combating Domestic Terrorism that shall establish national policies, objectives, and priorities for preventing, preparing for, and responding to domestic terrorism within the United States;

(2) the coordination of the implementation of the National Strategy for Combating Domestic Terrorism by the departments and agencies of the Federal Government and by State and local entities with responsibilities for combating domestic terrorism; and

(3) the recommendation of changes in the organization and management of Federal departments and agencies and State and local entities engaged in combating domestic terrorism to the Congress, the President, the Vice President, the Attorney General, and the Director of the Federal Emergency Management Agency.

(f) Subject to the authority of the Attorney General, the Deputy Attorney General for Combating Domestic Terrorism shall be responsible for State and local preparedness for weapons of mass destruction, security classifications and clearances within the Department of Justice, and contingency operations within the Department of Justice.

(g) For necessary expenses of the Office of the Deputy Attorney General for Combating Domestic Terrorism, \$23,000,000, to remain available until expended.

(h) Notwithstanding any other provision of law, all authorities, liabilities, funding, personnel, equipment, and real property associated with the Office of State and Local Domestic Preparedness Support, the National Domestic Preparedness Office, the Executive Office of National Security, and such components which relate to domestic counterterrorism and antiterrorism activities in the Office of Intelligence Policy and Review as are appropriate shall be transferred to the Deputy Attorney General for Combating Domestic Terrorism not later than 90 days after enactment of this Act.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act

that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. Section 286(d) of Public Law 82-414, as amended, is further amended—

(1) in subsection (d), by striking “\$6” and inserting “\$6.50”; and

(2) in subsection (h), by adding at the end the following new paragraph:

“(3) Not less than nine percent of the total amounts deposited under this subsection in a fiscal year shall be available only to automate or otherwise improve the speed, accuracy, or security of the inspection process.”.

SEC. 607. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 608. Section 140 of Public Law 97-92 (28 U.S.C. 461 note; 95 Stat. 1200) is amended by adding at the end the following: “This section shall apply to fiscal year 1981 and each fiscal year thereafter.”.

SEC. 609. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 610. None of the funds made available by this Act may be used for any United Nations undertaking when: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 611. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the De-

partments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2002.

SEC. 612. Hereafter, none of the funds appropriated or otherwise made available to the Bureau of Prisons shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC-17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 613. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 614. Hereafter, none of the funds appropriated or otherwise made available to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when such information or material is sexually explicit or features nudity.

SEC. 615. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as amended.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2002.

SEC. 616. None of the funds appropriated pursuant to this Act or any other provision of law may be used for: (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); and (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 617. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of \$576,462,000 shall not be available for obligation until the following fiscal year.

SEC. 618. Hereafter, none of the funds appropriated or otherwise made available to the Department of State and the Department of Justice shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the Secretary's determination under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Attorney General has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 619. None of the funds made available to the Department of Justice in this Act may be

used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 620. Section 504(a)(16) of the Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (110 Stat. 1321-55; Public Law 104-134) is amended by striking beginning with “, except that” through “representation”.

SEC. 621. The requirements of section 312(a)(3) of the Magnuson-Stevens Fishery Conservation and Management Act shall not apply to funds made available by section 2201 of Public Law 106-246.

SEC. 622. (a) Section 203(i) of the Act entitled “An Act to approve a governing international agreement between the United States and the Republic of Poland, and for other purposes”, approved November 13, 1998, is amended by striking “2001” and inserting “2006”.

(b) Section 203 of such Act, as amended by subsection (a), is further amended by adding at the end the following:

“(j) Not later than December 31, 2001, and every 2 years thereafter, the Pacific State Marine Fisheries Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report on the health and management of the Dungeness Crab fishery located off the coasts of the States of Washington, Oregon, and California.”.

SEC. 623. None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

SEC. 624. None of the funds appropriated or otherwise made available by this Act shall be available for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission. This subsection shall not be construed to apply to any other entity outside the Rome treaty.

SEC. 625. PROHIBITION ON SALE OF DISASTER LOANS. Notwithstanding any other provision of law, no amount made available under this Act may be used to sell any disaster loan authorized by section 7(b) of the Small Business Act (15 U.S.C. 636(b)) to any private company or other entity.

SEC. 626. SENSE OF THE SENATE REGARDING THE REPUBLIC OF KOREA'S IMPROPER BAILOUT OF HYNIX SEMICONDUCTOR. (a) FINDINGS.—Congress finds that—

(1) the Government of the Republic of Korea over many years has supplied aid to the Korean semiconductor industry enabling that industry to be the Republic of Korea's leading exporter;

(2) this assistance has occurred through a coordinated series of government programs and policies, consisting of preferential access to credit, low-interest loans, government grants, preferential tax programs, government inducement of private sector loans, tariff reductions, and other measures;

(3) in December 1997, the United States, the International Monetary Fund (IMF), other foreign government entities, and a group of international financial institutions assembled an unprecedented \$58,000,000,000 financial package to prevent the Korean economy from declaring bankruptcy;

(4) as part of that rescue package, the Republic of Korea agreed to put an end to corporate cronyism, and to overhaul the banking and financial sectors;

(5) Korea also pledged to permit and require banks to run on market principles, to allow and enable bankruptcies and workouts to occur rather than bailouts, and to end subsidies;

(6) the Republic of Korea agreed to all of these provisions in the Stand-by Arrangement with the IMF dated December 3, 1997;

(7) section 602 of the Foreign Operations, Export Financing, and Related Agencies Appropriations Act, 1999, as enacted by section 101(d) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act (Public Law 105-277; 112 Stat. 2681-220) specified that the United States would not authorize further IMF payments to Korea unless the Secretary of the Treasury certified that the provisions of the IMF Standby Arrangement were adhered to;

(8) the Secretary of the Treasury certified to Congress on December 11, 1998, April 5, 1999, and July 2, 1999, that the Stand-by Arrangement was being adhered to, and assured Congress that consultations had been held with the Government of the Republic of Korea in connection with the certifications;

(9) the Republic of Korea has acceded to the World Trade Organization, and to the Agreement on Subsidies and Countervailing Measures (as defined in section 101(d)(12) of the Uruguay Round Agreements Act);

(10) the Agreement on Subsidies and Countervailing Measures specifically prohibits export subsidies, and makes actionable other subsidies bestowed upon a specific enterprise that causes adverse effects;

(11) Hynix Semiconductor is a major exporter of semiconductor products from the Republic of Korea to the United States; and

(12) the Republic of Korea has now engaged in a massive \$5,000,000,000 bailout of Hynix Semiconductor which contravenes the commitments the Government of the Republic of Korea made to the IMF, the World Trade Organization and in other agreements, and the understandings and certifications made to Congress under the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999.

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

(1) the Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative should forthwith request consultations with the Republic of Korea under Article 4 and Article 7 of the Agreement on Subsidies and Countervailing Measures of the World Trade Organization, and take immediately such other actions as are necessary to assure that the improper bailout by the Republic of Korea is stopped, and its effects fully offset or reversed;

(2) the relationship between the United States and the Republic of Korea has been and will continue to be harmed significantly by the bailout of a major exporter of products from Korea to the United States;

(3) the Republic of Korea should end immediately the bailout of Hynix Semiconductor;

(4) the Republic of Korea should comply immediately with its commitments to the IMF, with its trade agreements, and with the assurances it made to the Secretary of the Treasury; and

(5) the United States Trade Representative and the Secretary of Commerce should monitor and report to Congress on steps that have been taken to end this bailout and reverse its effects.

SEC. 627. Notwithstanding any other provision of law, no amount made available under this Act may be used to sell any disaster loan authorized by section 7(b) of the Small Business Act (15 U.S.C. 636(b)) to any private company or other entity.

SEC. 628. No funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes. The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 629. Section 2002 of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386; 114 Stat. 1542) is amended—

(1) in subsection (a)(2)(A)—
(A) by striking “or” at the end of clause (i);
(B) in clause (ii)—

(i) by striking “February 17, 1999,” and inserting “May 17, 1996, May 7, 1997, February 17, 1999, December 15, 1999,”;

(ii) by inserting “October 22, 1999,” after “February 17, 1999,”; and

(iii) by striking the semicolon at the end and inserting “; or”; and

(C) by adding at the end the following new clause:

“(iii) a member of the plaintiff class in Case Number 1:00CV03110(ESG) in the United States District Court for the District of Columbia;”;

and
(2) in subsection (b)(2)—
(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting “(A)” before “For purposes” and

(C) by adding at the end the following:

“(B) For any judgment rendered in Case Number 1:00CV03110(ESG) in the United States District Court for the District of Columbia, in addition to the amounts available under subsection (a), the Secretary of the Treasury shall make such further payment as necessary to satisfy the judgment by—

“(i) liquidating those assets without third party interest of those countries designated as state sponsors of terrorism, under section 40(d) of the Arms Control Act or section 6(i) of the Export Administration Act of 1979, held or blocked by the United States; and

“(ii) in the event the judgment remains not fully satisfied after such liquidation, using any other available means collect from Iran, with one-third of any amount collected by these other means to be remitted to the Treasury of the United States.”.

SEC. 630. Clause (ii) of section 621(5)(A) of the Communications Satellite Act of 1962 (47 U.S.C. 763(5)(A)) is amended by striking “on or about October 1, 2000,” and all that follows through the end and inserting “not later than December 31, 2001, except that the Commission may extend this deadline to not later than June 30, 2003.”

SEC. 631. (a) The Senate finds that—

(1) all Americans are united in condemning, in the strongest possible terms, the terrorists who planned and carried out the September 11, 2001 attacks against the United States as well as their sponsors, and in pursuing all of those responsible until they are brought to justice and punished;

(2) the Arab American and American Muslim communities, are a vital part of our nation;

(3) the prayer of Cardinal Theodore McCarrick, the Archbishop of Washington in a Mass on September 12, 2001 for our Nation and the victims in the immediate aftermath of the terrorist hijackings and attacks in New York City, Washington, D.C., and Pennsylvania reminds all Americans that “we must seek the guilty and not strike out against the innocent or we become like them who are without moral guidance or direction”;

(4) the heads of state of several Arab and predominantly Moslem countries have condemned the terrorist attacks in the United States and the senseless loss of innocent lives; and

(5) vengeful threats and incidents directed at law-abiding, patriotic Americans of Arab descent and Islamic faith have already occurred such as shots fired at an Islamic Center and police having to turn back 300 people who tried to march on a mosque.

(b) The Senate—

(1) declares that in the quest to identify, bring to justice, and punish the perpetrators and sponsors of the terrorist attacks on the United States on September 11, 2001, that the civil rights and civil liberties of all Americans, in-

cluding Arab-Americans and American Muslims, should be protected; and

(2) condemns any acts of violence or discrimination against any Americans, including Arab-Americans and American Muslims.

TITLE VII—RESCISSIONS

DEPARTMENT OF STATE AND RELATED AGENCY

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(RESCISSION)

Of the unobligated balances available under this heading, \$126,620,000 are rescinded.

TITLE VIII—TERRORISM

SEC. 801. SHORT TITLE.

This title may be cited as the “Combating Terrorism Act of 2001”.

Subtitle A—Antiterrorism Policy and Practices

SEC. 811. ASSESSMENT OF NATIONAL GUARD CAPABILITIES TO PREEMPTIVELY DISRUPT DOMESTIC TERRORIST ATTACKS INVOLVING WEAPONS OF MASS DESTRUCTION.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing an assessment of the capabilities of the National Guard to preemptively disrupt a terrorist attack within the United States involving weapons of mass destruction, and to respond to such an attack.

(b) ELEMENTS.—The report required under subsection (a) shall include—

(1) an assessment of the legal restrictions on the use of the National Guard to contain and capture weapons of mass destruction materials that are discovered by law enforcement agencies within the United States;

(2) an assessment of the physical readiness of the National Guard to carry out a mission to contain and capture such materials;

(3) a description of the modifications in the structure of the National Guard, and in law enforcement intelligence dissemination capabilities, that are necessary to effect a credible, preemptive strike capability for the National Guard against a terrorist attack within the United States involving a weapon of mass destruction; and

(4) an identification of the Federal agency best suited to carry out a preemptive strike against organizations possessing weapons of mass destruction materials in the United States.

SEC. 812. LONG-TERM RESEARCH AND DEVELOPMENT TO ADDRESS CATASTROPHIC TERRORIST ATTACKS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) there has not been sufficient emphasis on long-term research and development with respect to technologies useful in fighting terrorism; and

(2) the United States should make better use of its considerable accomplishments in science and technology to prevent or address terrorist attacks in the future, particularly attacks involving chemical, biological, or nuclear agents.

(b) ESTABLISHMENT OF PROGRAM.—(1) Not later than six months after the date of the enactment of this Act, the President shall establish a comprehensive program of long-term research and development with respect to science and technology necessary to prevent, preempt, detect, interdict, and respond to catastrophic terrorist attacks.

(2) In establishing the program, the President shall—

(A) establish a comprehensive set of requirements for the program; and

(B) either—

(i) establish in an appropriate Federal agency an element with responsibility for the program; or

(ii) assign to a current element of a Federal agency responsibility for the program.

(c) **REPORT ON PROPOSED PROGRAM.**—Not later than 60 days before the commencement of the program required by subsection (b), the President shall submit to Congress a report on the proposed program. The report shall set forth the element of the Federal Government proposed to be established or assigned responsibility under subsection (b)(2)(B), including the proposed organization and responsibilities of the element for purposes of the program.

(d) **CATASTROPHIC TERRORIST ATTACK DEFINED.**—In this section, the term “catastrophic terrorist attack” means a terrorist attack against the United States perpetrated by a state, substate, or nonstate actor that involves mass casualties or the use of a weapon of mass destruction.

SEC. 813. REVIEW OF AUTHORITY OF FEDERAL AGENCIES TO ADDRESS CATASTROPHIC TERRORIST ATTACKS.

(a) **REVIEW REQUIRED.**—The Attorney General shall conduct a review of the legal authority of the agencies of the Federal Government, including the Department of Defense, to respond to, and to prevent, preempt, detect, and interdict, catastrophic terrorist attacks.

(b) **REPORT.**—Not later than six months after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on the review conducted under subsection (a). The report shall include any recommendations that the Attorney General considers appropriate, including recommendations as to whether additional legal authority for any particular Federal agency is advisable in order to enhance the capability of the Federal Government to respond to, and to prevent, preempt, detect, and interdict, catastrophic terrorist attacks.

(c) **CATASTROPHIC TERRORIST ATTACK DEFINED.**—In this section, the term “catastrophic terrorist attack” means a terrorist attack against the United States perpetrated by a state, substate, or nonstate actor that involves mass casualties or the use of a weapon of mass destruction.

SEC. 814. GUIDELINES ON RECRUITMENT OF TERRORIST INFORMANTS.

The Director of Central Intelligence shall rescind the provisions of the 1995 Central Intelligence Agency guidelines on recruitment of terrorist informants that relate to the recruitment of persons who have access to intelligence related terrorist plans, intentions and capabilities.

SEC. 815. DISCLOSURE BY LAW ENFORCEMENT AGENCIES OF CERTAIN INTELLIGENCE OBTAINED BY INTERCEPTION OF COMMUNICATIONS.

(a) **REPORT ON AUTHORITIES RELATING TO SHARING OF CRIMINAL WIRETAP INFORMATION.**—Not later than 60 days after the date of the enactment of this Act, the President shall submit to Congress a report on the legal authorities that govern the sharing of criminal wiretap information under applicable Federal laws, including section 104 of the National Security Act of 1947 (50 U.S.C. 403–4).

(b) **ELEMENTS.**—The report under subsection (a) shall include—

(1) a description of the type of information that can be shared by the Department of Justice, or other law enforcement agencies, with other elements of the intelligence community; and

(2) any recommendations that the President considers appropriate, including a proposal for legislation to implement such recommendations, to improve the capability of the Department of Justice, or other law enforcement agencies, to share foreign intelligence information or counterintelligence information with other elements of the intelligence community on matters such as counterterrorism.

(c) **DEFINITIONS.**—In this section:

(1) **FOREIGN INTELLIGENCE, COUNTERINTELLIGENCE.**—The terms “foreign intelligence” and “counterintelligence” have the meanings given

those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(2) **ELEMENT OF THE INTELLIGENCE COMMUNITY.**—The term “element of the intelligence community” means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947.

SEC. 816. JOINT TASK FORCE ON TERRORIST FUNDRAISING.

It is the sense of Congress that—

(1) many terrorist groups secretly solicit and exploit the resources of international nongovernmental organizations, companies, and wealthy individuals; and

(2) the Federal Government is not fully utilizing all the tools available to it to prevent, deter, or disrupt the fundraising activities of international terrorist organizations, and it should do so.

SEC. 817. IMPROVEMENT OF CONTROLS ON PATHOGENS AND EQUIPMENT FOR PRODUCTION OF BIOLOGICAL WEAPONS.

(a) **REPORT ON IMPROVEMENT OF CONTROLS.**—(1) Not later than 60 days after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on the means of improving United States controls of biological pathogens and the equipment necessary to develop, produce, or deliver biological weapons.

(2) The Attorney General shall prepare the report under paragraph (1) in consultation with the Secretary of Defense, the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Health and Human Services, the Secretary of Agriculture, the Director of Central Intelligence, the Commissioner of Customs, and other appropriate Federal officials.

(3) The report under paragraph (1) shall include—

(A) a list of the equipment identified under that paragraph as critical to the development, production, or delivery of biological weapons;

(B) recommendations, if any, for legislation to make illegal the possession of the equipment identified under subparagraph (A), for other than a legitimate purpose, including attempts and conspiracies to do the same;

(C) recommendations, if any, for legislation to control the domestic sale and transfer of the equipment identified under subparagraph (A); and

(D) recommendations, if any, for legislation to require the tagging or other means of marking of the equipment identified under subparagraph (A).

(b) **IMPROVED SECURITY OF FACILITIES.**—(1) Commencing not later than 60 days after the date of the enactment of this Act, the President shall undertake appropriate actions to enhance the standards for the physical protection and security of the biological pathogens described in subsection (a) at the research laboratories and other government and private facilities in the United States that create, possess, handle, store, or transport such pathogens in order to protect against the theft or other wrongful diversion of such pathogens.

(2) Not later than six months after the date of the enactment of this Act, the President shall submit to Congress a report on the actions undertaken under paragraph (1).

SEC. 818. REIMBURSEMENT OF PERSONNEL PERFORMING COUNTERTERRORISM DUTIES FOR PROFESSIONAL LIABILITY INSURANCE.

(a) **REQUIREMENT FOR FULL REIMBURSEMENT.**—(1) Notwithstanding any other provision of law and subject to paragraph (2), the head of an agency employing a qualified employee shall reimburse the qualified employee for the costs incurred by the employee for professional liability insurance.

(2) Reimbursement of a qualified employee under paragraph (1) shall be contingent on the submission by the qualified employee to the head of the agency concerned of such information or documentation as the head of the agency concerned shall require.

(3) Amounts for reimbursements under paragraph (1) shall be derived from amounts available to the agency concerned for salaries and expenses.

(b) **QUALIFIED EMPLOYEE.**—In this section, the term “qualified employee” means an employee of an agency whose position is that of—

(1) a law enforcement officer performing official counterterrorism duties; or

(2) an official of an element of the intelligence community performing official counterterrorism duties outside the United States.

(c) **DEFINITIONS.**—In this section:

(1) **AGENCY.**—The term “agency” means any Executive agency, as that term is defined in section 105 of title 5, United States Code, and includes any agency of the legislative branch of Government.

(2) **ELEMENT OF THE INTELLIGENCE COMMUNITY.**—The term “element of the intelligence community” means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(3) **LAW ENFORCEMENT OFFICER; PROFESSIONAL LIABILITY INSURANCE.**—The terms “law enforcement officer” and “professional liability insurance” have the meanings given those terms in section 636(c) of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (5 U.S.C. prec. 5941 note).

Subtitle B—Criminal Matters

SEC. 831. LAUNDERING OF PROCEEDS OF TERRORISM.

Section 1956(c)(7)(D) of title 18, United States Code, is amending by inserting “or 2339B” after “2339A”.

SEC. 832. MODIFICATION OF AUTHORITIES RELATING TO USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES.

(a) **GENERAL LIMITATION ON USE BY GOVERNMENTAL AGENCIES.**—Section 3121(c) of title 18, United States Code, is amended—

(1) by inserting “or trap and trace device” after “pen register”;;

(2) by inserting “, routing, addressing,” after “dialing”; and

(3) by striking “call processing” and inserting “the processing and transmitting of wire and electronic communications”.

(b) **ISSUANCE OF ORDERS.**—

(1) **IN GENERAL.**—Subsection (a) of section 3123 of that title is amended to read as follows:

“(a) **IN GENERAL.**—(1) Upon an application made under section 3122(a)(1) of this title, the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device if the court finds that the attorney for the Government has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. The order shall, upon service of the order, apply to any entity providing wire or electronic communication service in the United States whose assistance is required to effectuate the order.

“(2) Upon an application made under section 3122(a)(2) of this title, the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device within the jurisdiction of the court if the court finds that the State investigative or law enforcement officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.”.

(2) **CONTENTS OF ORDER.**—Subsection (b)(1) of that section is amended—

(A) in subparagraph (A)—

(i) by inserting “or other facility” after “telephone line”; and

(ii) by inserting before the semicolon at the end “or applied”; and

(B) by striking subparagraph (C) and inserting the following new subparagraph (C):

“(C) a description of the communications to which the order applies, including the number

or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied, and, in the case of an order authorizing installation and use of a trap and trace device under subsection (a)(2), the geographic limits of the order; and".

(3) **NONDISCLOSURE REQUIREMENTS.**—Subsection (d)(2) of that section is amended—

(A) by inserting "or other facility" after "the line"; and

(B) by striking ", or who has been ordered by the court" and inserting "or applied, or who is obligated by the order".

(c) **EMERGENCY INSTALLATION.**—

(1) **AUTHORITY FOR UNITED STATES ATTORNEYS.**—Section 3125(a) of that title is amended in the matter preceding paragraph (1) by striking "or any Deputy Assistant Attorney General," and inserting "any Deputy Assistant Attorney General, or any United States Attorney,".

(2) **EXPANSION OF EMERGENCY CIRCUMSTANCES.**—Section 3125(a)(1) of that title is amended—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking the comma at the end and inserting a semicolon; and

(C) by inserting after subparagraph (B) the following new subparagraphs:

"(C) immediate threat to the national security interests of the United States;

"(D) immediate threat to public health or safety; or

"(E) an attack on the integrity or availability of a protected computer which attack would be an offense punishable under section 1030(c)(2)(C) of this title,".

(d) **DEFINITIONS.**—

(1) **COURT OF COMPETENT JURISDICTION.**—Paragraph (2) of section 3127 of that title is amended by striking subparagraph (A) and inserting the following new subparagraph (A):

"(A) any district court of the United States (including a magistrate judge of such a court) or any United States Court of Appeals having jurisdiction over the offense being investigated; or".

(2) **PEN REGISTER.**—Paragraph (3) of that section is amended—

(A) by striking "electronic or other impulses" and all that follows through "is attached" and inserting "dialing, routing, addressing, or signalling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted"; and

(B) by inserting "or process" after "device" each place it appears.

(3) **TRAP AND TRACE DEVICE.**—Paragraph (4) of that section is amended—

(A) by inserting "or process" after "a device"; and

(B) by striking "of an instrument" and all that follows through the end and inserting "or other dialing, routing, addressing, and signalling information relevant to identifying the source of a wire or electronic communication;".

SEC. 833. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO TERRORISM OFFENSES.

Section 2516(1) of title 18, United States Code, is amended—

(1) by redesignating paragraph (p), as so redesignated by section 434(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132; 110 Stat. 1274), as paragraph (r); and

(2) by inserting after paragraph (p) as so redesignated by section 201(3) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-565), the following new paragraph:

"(q) any criminal violation of sections 2332, 2332a, 2332b, 2332d, 2339A, or 2339B of this title (relating to terrorism); or".

SEC. 834. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO COMPUTER FRAUD AND ABUSE.

Section 2516(1)(c) of title 18, United States Code, is amended by striking "and section 1341 (relating to mail fraud)," and inserting "section 1341 (relating to mail fraud), a felony violation of section 1030 (relating to computer fraud and abuse),".

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002."

ORDER OF BUSINESS

Mr. DASCHLE. Mr. President, for the interest of all Senators, we are attempting to propound a unanimous consent request having to do with the schedule for next week. We have not been able to get complete agreement on either side at this point, but it should not be too much longer. It would be my desire, once we get that unanimous consent, to go out for the day.

Just as soon as that occurs, we will then be prepared to take final action for the day.

Until that time, I have a couple of remarks in regard to the important legislation that passed this morning.

USE OF FORCE TO DEFEND AMERICA AGAINST TERRORIST ATTACKS

Mr. DASCHLE. Mr. President, we are now learning that the terrorists who attacked our Nation this week may have been planning their hideous crimes for years.

In their evil and painstaking calculations, the terrorists clearly tried to anticipate every possible obstacle they might encounter.

But there is one obstacle they overlooked; that is, the courage of the American people, and our fierce determination to defend the people and values we cherish.

It was that courage and determination that appears to have given the passengers aboard the plane that crashed near Pittsburgh the strength to resist their murderers and prevent an even greater tragedy.

It is that same courage and determination that is at the heart of this resolution we pass today.

Tuesday, from the window of my office in the Capitol, I watched thick black smoke rise from the Pentagon and fill the sky over Arlington Cemetery.

The graves in that hallowed ground remind us that Americans have faced great evil before and defeated it.

By passing this resolution, we are saying we are prepared to confront evil again and to defeat it again.

We are saying that the Congress of the United States—Democrats and Republicans stand with the President as our Commander in Chief.

We are authorizing the President to use force against the terrorists who at-

tacked America on September 11, and any nation, organization, or person that aids or harbors them.

As a result of our actions today, we know that our men and women in uniform may be forced to confront a new kind of enemy—an enemy whose actions are constrained neither by conscience, nor the rules of war.

We also know that whatever they are called to do, they will do it well and with honor. And we know this: They will prevail.

This is the gravest responsibility we can undertake as elected leaders.

That is why our Constitution calls on the President and the Congress to act together on decisions to employ our armed forces to defend our Nation.

By passing this resolution, we reaffirm our belief in our Constitution as the foundation and strength of our democracy.

By providing specific statutory authorization and by requiring continuing consultation between the President and the Congress, we also underscore the importance of the War Powers Resolution. Only by standing together, can we stand strong and defeat this threat.

As I have said before, what happened on Tuesday was not simply an attack against America. It was a crime against democracy, and decency. It was a crime against civilization itself.

Americans have been deeply touched this week by the support we have received from friends throughout the world. From the gates of Buckingham Palace, to the halls of the United Nations and NATO, to the streets of Moscow and beyond, the grief displayed by our friends has helped to make our own grief more bearable.

We thank the family of nations for standing with us in these early days of this battle against terrorism. Even more, we thank them for their commitment to stand with us in the days ahead.

I am confident we will continue to stand together, and defeat this most insidious of threats, wherever and whenever it arises.

We will be fierce in the defense of our ideals. We will make whatever material or physical sacrifice that is required of us to punish those who attacked our nation, and to prevent future attacks.

But we will not sacrifice the ideals that built this nation and have sustained us for more than two centuries.

Just as we are united against the terrorists and their co-conspirators who carried out the attacks on our nation, we must also be united against acts of hate against innocent Arab-Americans and Muslims.

The madmen who carried out these crimes despise our values of liberty and justice for all.

By maintaining our commitment to those ideals now, we send a powerful message to those who committed this evil that they have not won, and they will not win this war. They have broken our hearts, but not our will.

The terrorists hoped to bring us to our knees. Let us defy them by standing together on our feet as one nation, indivisible.

Yes, we saw evil this week. But we have also seen great strength. We have seen it in the heroic men and women working day and night in the wreckage of the World Trade Center and the Pentagon.

We have seen it in the countless Americans in cities across the country who waited hours to donate blood.

And we have seen it in the men and women who may have prevented even greater destruction through their bravery aboard that doomed flight.

That is the strength of America—the one obstacle the terrorists did not anticipate, and the one that will be their undoing.

I yield the floor, and 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. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMERICA UNITED

Mr. DORGAN. Mr. President, at midday today I attended the prayer service at the National Cathedral which President Bush called. It was attended by President Bush and four former Presidents, and many Americans, of course. And I think millions of Americans watched on television. It was a remarkable, moving, and emotional prayer service.

As I sat in the prayer service, I thought about something that happened yesterday as I toured the damage to the Pentagon with my colleagues, Senator DASCHLE, Senator REID, and others. Yesterday, we were touring the Pentagon where, of course, many Americans died as a result of an airplane, loaded with jet fuel and commercial passengers, which was flown by a terrorist into the Pentagon and caused a fire and collapse and so much damage.

Yesterday, as we were being briefed at the Pentagon about the damage that was caused and the loss of life, my colleague, Senator Reid, will remember that there was a crane near the building. The crane had a long steel cable attached to it. On the end of the steel cable was one of these little baskets. There was a man standing in the basket in uniform. The crane hauled this basket up to the fourth floor of this gaping wound in the middle of the Pentagon building. This man, who is a soldier, reached around from this basket deep into the hole of the Pentagon building, and from outside of this hole he pulled out a red and gold flag. He put it into this basket, again, dangling from a crane. They brought him back to the ground. It turned out he had

pulled out of this gaping hole in this burned-out structure at the Pentagon a U.S. Marine flag that had for some reason not burned. It appeared to be the only thing that could not have possibly burned in that entire area.

This young Marine, who grabbed this U.S. Marine Corps flag—this beautiful gold and red flag—marched over to where we were, and he stopped and said he was taking this flag to the U.S. Marine Corps Commandant.

He said he saw the flag as he looked through the wreckage up on the fourth floor in an office, and miraculously this flag had not burned. He wanted to get to it, so he got somebody to take him up in a crane in a basket, and he retrieved this flag.

As he held this flag proudly, on his way to the Commandant of the Marine Corps, he said to us: They couldn't destroy this flag, and they can't destroy this country. And I thought, wow, what a thing to say. This morning I woke up and looked at the Washington Post, and there is a full color picture of this young Marine holding that U.S. Marine flag as he came away from that building. It was just before he came over to greet us on his way to the Marine Corps Commandant.

It was but one act—a symbolic act, in many ways—of a young soldier who used that flag that he saw, that had survived the fire and survived the carnage—the one flag that was left standing—to make a point that those who committed these heinous acts, those madmen who perpetrated these acts of evil that murdered so many innocent men, women, and children in this country, could not destroy that flag and cannot destroy this country.

As I said the other day, all of us are heartbroken in America today. We express that in many ways. Prayer services across the country, recommended by our President, have reflected a common understanding—the ability to grieve together and the ability to come together. It was important to do that. It is important to do that.

But there is something else that is important for us to understand. The terrorists did something they could never have possibly imagined: They created in this country a togetherness that has not been here for some long while. People want to show the flag these days.

My 12-year-old daughter yesterday said: Dad, let's put out the flag. People all over this country are putting an American flag out in full view. And people around this country are doing things that we know represent the inherent goodness of people.

Within hours of the terrible tragedy at the World Trade Center—within hours of those evil acts—we had scores of people lining up to give blood in this country. I saw the interview of one person who was in a 5-hour line, and she was asked: Why are you in line 5 hours waiting to give blood? And she said: Because it's the only thing I can do, and I want to do something today.

The terrorists could not have possibly imagined what their acts would do to bring Americans together. This country has a common purpose. Yes, it has a great deal of grief and, yes, our heart is broken, but our spirit is not broken.

The common purpose in this country is to grieve together, to pray together, and then understand that we want to—and we must—find those who planned and committed these acts, and those who harbored them, and punish them and at the same time take the kind of precautions we know we must take to prevent this from happening again.

It is a free country. We are proud of that freedom and liberty. And it is also understood by everyone that we have the risk of acts of terrorism committed in free countries precisely because of that freedom. Perhaps we can never make certain that we will not ever see a terrorist act again. Perhaps we can never do that. We can certainly exert all the energy and all the genius available to all of us in this country to take the steps we think can try to prevent these acts again.

But notwithstanding the challenges and the tragedies, and notwithstanding the common grief that was born of these evil acts, this country will remain a free country. We will remain a country of which all of us are enormously proud.

There is a spirit about America: A spirit to prevail, a spirit to build, a spirit to come together. It is reflected by a lot of things, a couple of which I just mentioned. And that spirit is, in my judgment, not dimming; that spirit is growing. In the coming weeks and days, I think manifested today on the floor of the Senate, that spirit will nurture all of America.

Today, on the floor of the Senate, we passed a piece of legislation, without a dissenting vote, that said we want to help people in need. We provided the resources to say to the people who were victims of this: You are not alone. Your families are not alone. Your loved ones are not alone. Your cities are not alone. And then we passed, without a dissenting vote, an authorization to the President, who asked for an authorization from Congress, to be able to take appropriate action against those who committed these evil acts.

Without a dissenting vote, the Congress said to the President: Yes, we are with you. That is quite a remarkable thing to have done. And it reflects a spirit not just here in the Senate; it reflects a spirit, in my judgment, borne in the breast of every American today, proud to be an American, and determined to make sure we are able to retain and nurture this way of life, to defeat terrorism wherever it exists, and to nurture freedom and liberty.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I hesitate to interject any more words prior to our going out today because I think

the tone has been set by my friend from North Dakota, but I just say that there are so many examples of people coming together. The example of the blood drives is certainly one of the most appropriate.

People are now all over America in reservation lines. They are there to sign up to give blood 2 weeks from now, 3 weeks from now because the lines are so long.

I think my friend from North Dakota would agree that the prayer service held today at the National Cathedral was touched. I think everyone there participated with the prayers. Billy Graham gave some remarks. He has been an adviser to many Presidents over the years, and even though his body is frail, his mind certainly is not.

I hope all Americans will realize that the President of the United States needs everyone's prayers now. There are 535 Members of Congress. I was able to sit with Senator DORGAN today at the prayer service at the National Cathedral. We were together. And that is what we legislatures are; we are together; we are always with each other. But the President of the United States is alone. He does not have people to lean on. He has to make decisions by himself.

So I hope that everyone will be involved in praying for this President, recognizing the tremendous burdens he has and the decisions he has to make, decisions that are so vitally important to the virtual freedom of this country, matters dealing with life and death.

So I do hope people will join together and have continual prayers for this country and the President of the United States.

THANKING THE PRESIDING OFFICER

Mr. REID. Mr. President, on behalf of all Senators, I express my appreciation to the Presiding Officer. It is a real sacrifice to be here on a Friday afternoon, where there isn't a lot going on on the floor, but there were things that had to be done. Of course, the Senator from Vermont is known for his patience. And here is another example of it.

So on behalf of all Senators, thank you very much for your time and for the many hours this afternoon.

UNANIMOUS CONSENT AGREEMENT—H.R. 2590

Mr. REID. Mr. President, I ask unanimous consent that on Wednesday at 10 a.m. the Appropriations Committee be discharged from further consideration of H.R. 2590, the Treasury-Postal appropriations bill, and that the Senate then proceed to its consideration.

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

Mr. REID. Mr. President, it is my hope that the Senate will be in a position to consider the Defense authorization bill next week. The majority lead-

er will be consulting with the Republican leader as to its scheduling.

ORDERS FOR MONDAY, SEPTEMBER 17, AND WEDNESDAY, SEPTEMBER 19, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. Monday, September 17, for a pro forma session only; further, that when the Senate adjourns on Monday, it stand in adjournment until 10 a.m. Wednesday, September 19. I further ask unanimous consent that on Wednesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day.

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

PROGRAM

Mr. REID. Monday, the Senate will convene at 10 a.m. for a pro forma session and adjourn until Wednesday at 10 a.m. On Wednesday, the Senate may consider any available appropriations bills or the Department of Defense authorization bill. No rollcall votes will occur prior to 10 a.m., Thursday, September 20.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator HARKIN.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NOMINATION OF JOHN NEGROPONTE TO REPRESENT THE U.S. AT THE UNITED NATIONS

Mr. HARKIN. Mr. President, I rise this afternoon at this late hour on Friday at the close of a terrible week—a week which has seared itself into our very being for the rest of our lives—to object to the approval of John Negroponte to serve as U.S. Ambassador to the United Nations.

I understand an agreement was reached that this nomination be passed on a voice vote today. It has been made, and certainly I will honor and

respect the agreement. However, I believe this nomination deserves a full debate on the Senate floor and a full look into the record of this individual who is about to represent all of us in the United Nations.

I understand and I agree that America needs a U.N. ambassador. We do need someone there, especially given the terrorist attacks on our Nation this week, in terms of an international dialog and international response to this terrorist attack. But I believe it is also important that all Senators be given an opportunity to vote on this controversial nomination and to debate it.

Why is Mr. Negroponte's nomination so controversial? Why did the Baltimore Sun, in April of this year, devote a five-part series just on this one nominee? Well, I think there are two considerations that stand out in my mind, and I will explain why I oppose his nomination.

First of all, Mr. Negroponte showed a callous disregard for human rights abuses throughout his tenure as U.S. Ambassador to Honduras between 1981 and 1985, during which time I traveled to Honduras and, in fact, went out to one of the contra camps with the Ambassador at that time. Quite frankly, in my conversations at that time in Honduras, and with the later revelations of what was going on with Battalion 316, which was supervised and basically trained by our CIA and our military personnel—when a lot of these issues came to light, it became clear to me that during my trip there I was misled and, quite frankly, not given the correct information that I sought.

Secondly, I believe Mr. Negroponte knowingly misinformed the U.S. State Department about gross human rights violations in Honduras and throughout Central America during the height of the so-called contra war in Central America in the 1980s.

That action, in turn, resulted in the Congress being misled as to the scope and nature of gross human rights violations that were being committed by the contras and by the Honduran military and, in particular, Battalion 316 in the Honduran military.

In a letter to The Economist in 1982, then-Ambassador Negroponte wrote:

It is simply untrue that death squads have made appearances in Honduras.

Yet from 1981 to 1984 over 150 people disappeared, including one American priest, Father James Carney, whose body has never been recovered.

All indications are it was Battalion 316 that took custody of and had control over Father Carney. There had been reports that they interrogated him, that he was severely tortured and killed—he was an American citizen, an American priest—during the time of Mr. Negroponte's ambassadorship.

I am not saying in any way he was responsible. I do not want anyone to get that wrong. All I am saying is as Ambassador at that time, there is a lot of evidence to show he just turned a

blind eye and a deaf ear to the human rights abuses at that time in Honduras.

The 1997 CIA Inspector General's report and other official records, as well as extensive research published in numerous books and articles, have implicated Mr. Negroponte personally in condoning and covering up egregious human rights violations during his service in Honduras in the 1980s. Read the five-part series that was in the *Baltimore Sun* in 1995 and later amplified this year. That lays out the case quite clearly.

Is he really the best nominee President Bush could find to represent our Nation at the United Nations? I think not. I guess what bothers me more than anything else is, as we move ahead seeking to get other nations to support us in our efforts to uphold human rights around the world, he does not bring clean hands to this critically important and senior diplomatic post.

Mr. President, I ask unanimous consent that the following articles be printed in the *RECORD* at the end of my remarks: An April 16, 2001, *Los Angeles Times* editorial headlined "Hard Questions for U.N. Nominee"; a Sunday, April 8, 2001, editorial written by Frank Del Olmo, associate editor of the *Los Angeles Times*; a Thursday, April 19, 2001, editorial written by Father Joseph Mulligan, a Jesuit priest from Detroit who has been working in Central America since 1986; an April 2, 2001, editorial from *In These Times* of the Institute for Public Affairs, and a list of 150 people who disappeared in Honduras from October 29, 1981, to May 30, 1985.

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

(See Exhibit 1.)

Mr. HARKIN. Mr. President, I understand agreements were made. I wish we had a fuller debate on this nominee. I want the record to show if, in fact, there was a record vote on this nominee, this Senator from Iowa would have voted no.

I thank the President, and I yield the floor.

EXHIBIT 1

[From the *Los Angeles Times*, Apr. 16, 2001]

HARD QUESTIONS FOR U.N. NOMINEE

Under normal circumstances, President Bush's nomination of a veteran U.S. diplomat like John D. Negroponte to be ambassador to the United Nations would be a routine matter. Negroponte is well regarded in the State Department and close to Secretary of State Colin L. Powell. Senate approval would be all but certain.

But while Negroponte's 37-year career in the foreign service has admittedly been an impressive upward arc of increasingly important ambassadorships, it was not routine. It would be a mistake for the Senate, and particularly for the Committee on Foreign Relations, to treat Negroponte with kid gloves.

To be sure, Negroponte's diplomatic career has been marked by noteworthy accomplishments. He handled sensitive embassy posts quite effectively, most notably Mexico City in the years leading up to the North American Free Trade Agreement and Manila following the collapse of Philippine dictator Ferdinand Marcos' regime. But Negroponte's career also includes some troubling activi-

ties that took place in Honduras during his tenure as ambassador there, between 1981 and 1985.

Those were the years when President Ronald Reagan ordered the CIA to launch covert activities against the Sandinista government in neighboring Nicaragua. The key element of Reagan's anti-Nicaragua strategy was a guerrilla war waged by a puppet army based in Honduras and known as the Contras. It was composed largely of former soldiers of Nicaraguan dictator Anastasio Somoza, whom the Sandinistas had ousted. With such unseemly allies, the Contra war was immediately controversial, and Congress imposed limits on how the CIA could wage it.

Among other things, Congress insisted that before a small nation like Honduras received massive increases in military aid (from \$4 million a year to \$77 million during Negroponte's tenure alone) that the U.S. Embassy there had to verify that the notoriously corrupt Honduran army would use the money properly. The Honduran security forces were not, for instance, to use the money to pursue political dissidents or otherwise violate the human rights of their fellow citizens. Congress even required annual human rights reports on Honduras to ensure that its mandate was being carried out.

The human rights reports that Negroponte signed off on during his tenure in Honduras need to be carefully reviewed by the Senate. For while he routinely reported few violations by the Honduran government, it has since become public record, through declassified government documents and reputable reports in the U.S. and Honduran press, that the Honduran military was indeed engaged in some very brutal activities in support of the Contras and U.S. policy.

Honduran officials have documented the disappearance of as many as 184 Honduran citizens, not just political dissidents but innocent civilians who may have been mistaken for dissidents, during that period. Most of these kidnappings and murders were carried out by a secret, CIA-trained Honduran army unit known as Battalion 316. The Senate should probe deeply regarding how much of this activity Negroponte was aware of and whether he hid what he knew from Congress.

The Contra war was an ugly and inconclusive affair—but brush-fire wars usually are. And no one is suggesting that Negroponte bears all, or even most, of the blame for whatever excesses may have taken place in Honduras. But he had a legal obligation to truthfully inform Congress of what was happening in Honduras in support of U.S. policy. If Negroponte did not live up to that obligation, it calls into question his suitability for an important post at the United Nations.

The Senate must not approve Negroponte's nomination without asking him some very tough questions and putting his tenure in Honduras under renewed and thorough scrutiny.

[From the *Los Angeles Times*, Apr. 8, 2001]

IS NEGROPONTE CLEAN ENOUGH FOR THE U.N.?

(By Frank Del Olmo)

We're eyeball to eyeball with the Chinese, talking tough to the Russians and not talking to North Korea at all. It's back to the Cold War.

Call me parochial, but what has me shivering after a brief but chilly visit to Washington is how the Bush administration is reviving the old U.S.-Soviet standoff in a part of the world where I spent my crazy youth as a correspondent: Central America. And if you loved how the Bushies tossed those alleged Russian spies out of the country, wait until you see what's for dessert. Warmed over Contras!

Or, to be more precise, a warmed-over Contra paymaster, John D. Negroponte, who has been nominated to be ambassador to the United Nations.

You remember the Contras—the CIA-funded guerrillas who waged a futile war to overthrow the revolutionary Sandinista government in Nicaragua, until the Nicaraguan people simply voted the Sandinistas out of power. Even those poor Central Americans, it turned out, know how democracy works. But more on the Contras later.

It is no longer news that most of the men (doesn't National Security Advisor Condoleezza Rice know any women she can suggest for some of these jobs?) President Bush wants to put in key positions on his foreign policy team are Cold Warriors from the days of presidents Reagan and Bush the First. But some of the guys being hauled out of cold storage have worrisome histories that Congress needs to revisit before punching their tickets. We can start with Negroponte.

During his 37-year career with the State Department, Negroponte has held several sensitive embassy jobs in Asia (Vietnam, during the war, and the Philippines in the 1990s) and Latin America (Mexico, in the years leading up to the North American Free Trade Agreement, and Honduras, during the start of the Contra war against neighboring Nicaragua). It is Negroponte's tenure in Honduras, from 1981 to 1985, that the Senate needs to consider.

I traveled all over Central America in those days, knew Negroponte and members of his staff and have no illusions about anyone who was involved in those brush-fire wars. Some ugly things were done on both sides in the same of national security—from assassinations to wholesale massacres. It was quite literally a bloody mess, and Negroponte was in it up to his elbows.

Just how deep we don't know because Negroponte's involvement in covert U.S. activities in Honduras has never been fully investigated by Congress, even when the Mexican government protested Negroponte's 1989 appointment to run the U.S. Embassy there. Former Mexican President Carlos Salinas de Gortari wanted NAFTA so badly that he probably would have accepted any U.S. ambassador. Knowing that, Congress stamped Negroponte's passport after some token questions about Honduras.

Since then, however, much more has become public, largely because of an excellent, but insufficiently recognized, series of articles published by the *Baltimore Sun* in 1995. Through interviews with former Honduran soldiers and some of the people they kidnapped and tortured, the articles laid out in gruesome detail the activities of a CIA-funded death squad run by the Honduran military during the Contra war.

Those articles also made a credible case that Negroponte knew about the Honduran death squad, officially known as Battalion 316, and other covert operations taking place under his nose, and he ignored them. Worse, he may have lied to Congress about what he knew.

The *Sun* documents the fact that embassy staffers knew about human rights violations and duly reported them to their superiors in the embassy (including Negroponte) and Washington. Yet their annual human-rights reports to Congress did not reflect what they knew was going on all around them. In just one of the less egregious cases (no one was killed), the 1982 year-end report to Congress asserted there had been "no incident of official interference with the media" that year. Yet in June 1982, Negroponte had personally intervened with the Hondurans to free a prominent journalist, Oscar Reyes, who had been arrested and tortured by Battalion 316 for a week. The ambassador did so at the behest of his embassy's press spokesman, who

warned Negroponte: "We cannot let this guy get hurt. . . . It would be a disaster for our policy."

The Sun series should be reread by every member of the Senate before Negroponte comes before them for confirmation later this spring. Better yet, the Foreign Affairs Committee should move beyond what one gutsy newspaper did and thoroughly review any and all still-classified documents that might shed light on just what Negroponte knew about Battalion 316 and the wider Contra war, and when he knew it.

Negroponte is, after all, the guy Bush wants in New York to lecture the Chinese and Cubans about human rights. We ought to be sure they won't have reason to laugh in his face when he does.

[From the Los Angeles Times, Apr. 19, 2001]

WHAT DID NEGROPONTE HIDE AND WHEN DID HE HIDE IT?

(By Joseph E. Mulligan)

MANAGUA, NICARAGUA.—As the Senate considers the nomination of John D. Negroponte to be the U.S. ambassador to the United Nations, it is important to look at charges that, as ambassador to Honduras, Negroponte suppressed information about the Honduran military's human rights violations. This is a serious matter. What is the evidence?

According to a 1997 CIA inspector general's report, U.S. officials in Honduras were aware of serious violations of human rights by the Honduran military during the 1980s but did not adequately report this to Congress. A heavily redacted version of the report notes particularly that the U.S. Embassy suppressed sensitive data during Negroponte's time there.

I am especially concerned about the disappearance of two U.S. citizens—Father James "Guadalupe" Carney and David Arturo Baez Cruz—during Negroponte's tenure. Carney had come to Honduras in 1983 as a chaplain to a revolutionary group, which include Baez Cruz, a Nicaraguan American who had served in the U.S. special forces. The group was captured by the Honduran army, and Carney "disappeared" along with nearly all of the 96 members of the group.

U.S. officials eventually gave Carney's chalice and stole, turned up by the Honduran army, to his relatives. But the army never explained the circumstances of the priest's death, suggesting only that he probably starved in the mountains. Five years later, in 1988, the New York Times reported that a former officer of the Honduran army said he personally had interrogated Carney. Carney's body has not been found, and the people responsible for his death have not been identified. Whether any U.S. agents or officials were involved in his disappearance remains an open question.

In a section with repeated references to the capture and execution of Jose Maria Reyes Mata, the political leader of the group, the CIA inspector general's report cited a source whose name has been blacked out who "believes that the embassy country team in Honduras wanted reports on subjects such as this to be benign to avoid Congress looking over its shoulders."

Reporting murders, executions and corruption, says the source, would "reflect negatively on Honduras and not be beneficial in carrying out U.S. policy." The embassy seemed particularly sensitive to reports about the operation in which the two U.S. citizens disappeared, the report said, quoting another source as recalling "a discussion . . . circa 1983 wherein the latter indicated that unspecified individuals at the embassy did not want information concerning human rights abuses . . . to be disseminated because

it was viewed as an internal Honduran matter." This is corroborated by an Aug. 19, 1985, handwritten memo declassified by the State Department "Fr. Carney case . . . is dead. Front office does not want the case active. . . . We aren't telling that to the family."

The CIA report cites another person whose name has been deleted as explaining "the basis for no further reporting on the prisoner executions—the event had been reported previously and there was concern on the part of Negroponte that over-emphasis would create an unwarranted human rights problem for Honduras." Among his conclusions, the CIA inspector general states: "The ambassador was particularly sensitive regarding the issue and was concerned that earlier CIA reporting on the same topic might create a human rights problem for Honduras. Based on the ambassador's reported concerns, [blacked out] actively discouraged [blacked out] from following up the information reported by the [blacked out] source."

It was up to members of Congress to determine whether Honduras had a human rights problem. But Negroponte denied the facts needed for their judgment.

[From the Institute for Public Affairs in These Times, Apr. 2, 2001]

IN FROM THE COLD WAR; BUSH'S PICK FOR U.N. AMBASSADOR HAS SOME SPOOKY STUFF ON HIS RESUME

(By Terry J. Allen)

Like spooks from an abandoned B-Movie graveyard, officials of the Reagan-Bush era are merging from the dirt and showing up inside the George W. Bush administration. The latest resurrection is John Negroponte, whom Bush recently nominated as ambassador to the United Nations.

As U.S. ambassador to Honduras from 1981 to 1985, Negroponte abetted and covered up human rights crimes. He was a zealous anti-Communist crusader in America's covert wars against the leftist Sandinista government in Nicaragua and the FMLN rebels in El Salvador. The high-level planning, money and arms for those wars flowed from Washington, but much of the on-the-ground logistics for the deployment of intelligence, arms and soldiers was run out of Honduras. U.S. military aid to Honduras jumped from \$3.9 million in 1989 to \$77.4 million by 1984. So crammed was the tiny country with U.S. bases and weapons that it was dubbed the USS Honduras, as if it were simply an off-shore staging ground.

The captain of this ship, Negroponte was in charge of the U.S. Embassy when, according to a 1995 four-part series in the Baltimore Sun, hundreds of Hondurans were kidnapped, tortured and killed by Battalion 316, a secret army intelligence unit trained and supported by the Central Intelligence Agency. As Gary Cohn and Ginger Thompson wrote in the series, Battalion 316 used "shock and suffocation devices in interrogations. Prisoners often were kept naked and, when no longer useful, killed and buried in unmarked graves." Members of Battalion 316 were trained in surveillance and interrogation at a secret location in the United States and by the CIA at bases in Honduras. Gen. Gustavo Alvarez Martinez, the chief of the Honduran armed forces who personally directed Battalion 316, also trained in the United States at the School of the Americas.

Negroponte tried to distance himself from the pattern of abuses, even after a flood of declassified documents exposed the extent of U.S. involvement with Battalion 316. In a segment of the 1998 CNN mini-series Cold War, Negroponte said that "some of the retrospective effort to try and suggest that we were supportive of, or condoned the actions of, human rights violators is really revisionistic."

By the time Negroponte was appointed ambassador by President Reagan in 1981, human rights activists in Honduras were vocally denouncing abuses. Former Honduran congressman Efraim Diaz Arrivillage pleaded with Negroponte and other U.S. officials to stop the abuses committed by the U.S.-controlled military. "Their attitude was one of tolerance and silence," Diaz told the Sun. "They needed Honduras to loan its territory more than they were concerned about innocent people being killed."

Negroponte ignored such protests, and annually filed State Department reports from Honduras that gave the impression that the Honduran military respected human rights. But in an interview with *In These Times*, Negroponte's predecessor as ambassador, Carter appointee Jack Binns, tells a different story: "Negroponte would have had to be deliberately blind not to know about human rights violations. . . . One of the things a departing ambassador does is prepare a briefing book, and one of those issues we included [in our briefing book] was how to deal with the escalation of human rights issues."

Binns considered the U.S. support for Alvarez and Battalion 316 "counterproductive" to the declared objective of "establishing a rule of law." This lack of enthusiasm, Binns says, led to "my being cut out of the loop" by the Reagan administration, which he served for several months before Negroponte took over. In the summer of 1981, Binns recalls, "I was called unexpectedly to Washington by Tom Enders, the assistant secretary of state. He asked me to stop reporting human rights violations through official State Department channels and to use back channels because they were afraid of leaks."

As Binns explains, back-channel messages "don't officially exist. The message is translated over CIA channels, decrypted and hand-carried from Langley, one copy only. No record."

Binns did not agree to use back channels and when he returned to Honduras, he received no further reports of human rights violations from the CIA. "I was deliberately lied to," says Binns, who later found out that Reagan administration had been working behind his back.

Honduras was only one of many hot spots where Negroponte served. He spent four years as a political officer in the U.S. Embassy in Saigon during the height of the Vietnam War. As an aide to then National Security Adviser Henry Kissinger at the Paris Peace Talks, he fell out of favor with his boss, wrote Mark Matthews in a 1997 article in the Sun, "by arguing that the chief U.S. negotiator was making too many concessions to the North Vietnamese." Negroponte also served in the Philippines, Panama and Mexico, where he was a strong booster for NAFTA.

Rumored to have been Colin Powell's pick for the job of U.N. ambassador, Negroponte has a reputation as a loyal bureaucrat and efficient fixer. He also has a Cold War mentality characteristic of many of the old Reagan-Bush people surrounding the new president.

The lessons Negroponte has learned from the past may shed light on what kind of U.N. ambassador he will be if his nomination is approved by the Senate. When he appeared in 1981 before a Senate committee for confirmation as envoy to Honduras, he said, "I believe we must do our best not to allow the tragic outcome of Indochina to be repeated in Central America."

The tragedy to which he referred, of course, was the defeat of the United States, not the devastation and death caused by U.S. intervention.

DISAPPEARANCES IN HONDURAS DURING AMB. NEGROPONTE'S TENURE, OCTOBER 29, 1981–MAY 30, 1985

1981

Eduardo Anibal Blanco Araya, November 14, 1981; Yolanda del Carmen Solis Corrales, December 11, 1981; Francisco Fairren Garbi, December 11, 1981; Alfredo Duarte, December 20, 1981; Jose Frech Guterrez, December 20, 1981; Jose Francisco Rivera Miranda, December 22, 1981; Victor Hugo Alas Herrera, December 24, 1981.

1982

Maria Ediltrudis Montres Giron, January 24, 1982; Julio Cesar Zavala Mendez, January 24, 1982; Samuel Perez, January 24, 1982; Enrique Lopez Hernandez, January 24, 1982; Nelson Mackay Chavarria, February 21, 1982; Guadalupe Carillo Coleman, June 11, 1982; Eduardo Coleman Martinez, June 11, 1982; Reynaldo Coleman Martinez, June 11, 1982; Amado Espinoza Paz, June 12, 1982.

Adan Villanueva, June 12, 1982; Hans Albert Madison Lopez, July 8, 1982; Jose Saul Godinez Cruz, July 22, 1982; Jose Eduardo Becerra Lanza, August 1, 1982; German Perez Aleman, August 18, 1982; Teresa de Jesus Sierra Alvarenga, August 31, 1982; Rafael Antonio Pacheco, September 1, 1982; Hector Hernandez, December 24, 1982; Jose Celestino Medina, December 24, 1982.

1983

Casimiro Castellanos, Exact day unknown, 1983; Pedro Jose Amador Meza, January 22, 1983; Maria Martha Ventura Garcia, February 17, 1983; Dolores Geraldina Garcia Zelaya, February 25, 1983; Melba Caceres Mondragon, March 15, 1983; Jose Martinez Vasquez, March 17, 1983; Filiberto Flores Zuniga, April 13, 1983; Victor Manuel Torres Lopez, April 13, 1983; Luis Alonso Romero Ortiz, April 24, 1983; Daniel Velasquez Nunez, May 4, 1983.

Jose Eloy Torres Barahona, June 1, 1983; Victor Manuel Ramos, June 10, 1983; Jose Amilcar Mardiaga, July 1, 1983; Marco Antonio Marin Aguilar, August, 1983; Ramon Adonay Bustillo Jimenez, September 9, 1983; Pablo Roberto Munguia, September 28, 1983; Mario Mejia Mateo, October 1, 1983; Jose Melanio Valle Alvarado, October 1, 1983; James Francisco Carney (Father Guadalupe), December, 1983; Juan Batista Canales H., December 15, 1983.

1984

Marcelino Moncada Bustamante, February 18, 1984; Gustavo Adolfo Morales Funes, March 18, 1984; Rolando Vindel Gonzalez, March 18, 1984; Francisco Garcia, July 9, 1984; Francisco Osorto, July 9, 1984; Alberto Garcia, July 9, 1984; Elsa Marina Perdomo, August 12, 1984; Juan Alberto Villeda, September 25, 1984; Luis Ramon Blandon Zeas, September 28, 1984.

Elman Luis Cortes Seiza, September 28, 1984; Marcia Mercedes Chamorro Morales, October 5, 1984; Estanislao Vasquez M., October 22, 1984; Joaquin, October 22, 1984; Reynaldo Caceres Lopez, October 28, 1984; Estanislao Martinez Lopez, October 31, 1984; Maritza Cubillo Molina, November 4, 1984; Jose Isabel Salgado, November 20, 1984; Jose Eduardo Lopez, December 24, 1984.

1985

Rose Nelly Matamoros, January, 1985; Jesus Reyes Escobar, March 24, 1985.

ADJOURNMENT UNTIL MONDAY,
SEPTEMBER 17, 2001, AT 10 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment.

Thereupon, the Senate, at 4:33 p.m., adjourned until Monday, September 17, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 14, 2001:

FEDERAL HOUSING FINANCE BOARD

SHIRLEE BOWNE, OF FLORIDA, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2004, VICE J. TIMOTHY O'NEILL, TERM EXPIRED.

DEPARTMENT OF TRANSPORTATION

EMIL H. FRANKEL, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE EUGENE A. CONTI, JR., RESIGNED.

SOCIAL SECURITY ADMINISTRATION

JAMES B. LOCKHART, III, OF CONNECTICUT, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR A TERM OF SIX YEARS, VICE WILLIAM A. HALTER.

DEPARTMENT OF STATE

CLIFFORD G. BOND, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BOSNIA AND HERZEGOVINA.

MARGARET K. MCMILLION, OF THE DISTRICT OF COLUMBIA, CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF RWANDA.

EXECUTIVE OFFICE OF THE PRESIDENT

MARK W. EVERSON, OF TEXAS, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET, VICE JOSHUA GOTBAUM, RESIGNED.

DEPARTMENT OF LABOR

TAMMY DEE MCCUTCHEN, OF ILLINOIS, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE T. MICHAEL KERR.

EXECUTIVE OFFICE OF THE PRESIDENT

BARRY D. CRANE, OF VIRGINIA, TO BE DEPUTY DIRECTOR FOR SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY, VICE THOMAS J. UMBERG.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C. SECTION 601:

To be general

GEN. JOHN W. HANDY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. TEED M. MOSELEY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, UNITED STATES AIR FORCE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 8034:

To be general

LT. GEN. ROBERT H. FOGLESONG, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. COLBY M. BROADWATER III, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. JAMES O. ELLIS JR., 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate September 14, 2001:

DEPARTMENT OF EDUCATION

BRIAN JONES, OF CALIFORNIA, TO BE GENERAL COUNSEL, DEPARTMENT OF EDUCATION.

DEPARTMENT OF STATE

JOHN D. NEGROPONTE, OF THE DISTRICT OF COLUMBIA, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

JOHN D. NEGROPONTE, OF THE DISTRICT OF COLUMBIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

LAURA E. KENNEDY, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TURKMENISTAN.

MARCELLE M. WAHBA, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED ARAB EMIRATES.

RONALD E. NEUMANN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF SAUDI ARABIA.

PATRICK FRANCIS KENNEDY, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR THE U.N. MANAGEMENT AND REFORM, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF DEFENSE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 152:

To be general

RICHARD B. MYERS, 0000

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

JOHN W. GILLIS, OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE OF VICTIMS OF CRIME.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

BRUCE COLE, OF INDIANA, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES FOR A TERM OF FOUR YEARS.

DEPARTMENT OF JUSTICE

RICHARD R. NEDELKOFF, OF TEXAS, TO BE DIRECTOR OF THE BUREAU OF JUSTICE ASSISTANCE.

PAUL J. MCNULTY, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS.

PATRICK LEO MEHRAN, OF PENNSYLVANIA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS.

STEPHEN BEVILLE PENCE, OF KENTUCKY, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS.

MICHAEL J. SULLIVAN, OF MASSACHUSETTS, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF FOUR YEARS.

JOSEPH S. VAN BOKKELLEN, OF INDIANA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS.

GREGORY F. VAN TATENHOVE, OF KENTUCKY, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS.

COLM F. CONNOLLY, OF DELAWARE, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF DELAWARE FOR THE TERM OF FOUR YEARS.

MICHAEL G. HEAVICAN, OF NEBRASKA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEBRASKA FOR THE TERM OF FOUR YEARS.

THOMAS B. HEFFELFINGER, OF MINNESOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS.

ROSCOE CONKLIN HOWARD, JR., OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS.

MARY BETH BUCHANAN, OF PENNSYLVANIA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS.

PETER W. HALL, OF VERMONT, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF VERMONT FOR THE TERM OF FOUR YEARS.