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Senate

The Senate met at 10 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:

Gracious God, Sovereign of this land, we enter into the season of thanksgiving with a great need for spiritual renewal that takes place when we return to an attitude of gratitude. In the midst of the problems we face at this time, we need the refreshing rejuvenation that comes when we turn from our trials and focus on thanksgiving for all blessings. You have shown us that gratitude is not only the greatest of all virtues but the parent of all others. Any achievement without gratitude limps along the road of life; anything we accomplish without giving thanks becomes a source of pride. You desire our gratitude because You know it helps us grow; other people never tire of feeling the affirmation that is communicated when we express our thankfulness for them; and we require gratitude to avoid being self-serving and arrogant.

O God, we praise You for this Nation of freedom and democracy. We repent of our pride that entertains the idea that we are in charge of the destiny of this land. Grant us the true humility that comes from acknowledging that You are the source of all we have and are. Now we are ready to thank You in advance for Your help in the resolution of the problems we face in this present crisis. In the Name of the Lord. 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 ACTING PRESIDENT pro tempore. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 16, 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.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Mr. President, I have been asked to announce by Senator DASCHLE, the majority leader, that we are going to be in a period of morning business. Senators are going to speak for up to 10 minutes each. There will be no rollcall votes today. There will be no rollcall votes until 2:30 p.m., Tuesday, November 27.

Last night, the Senate agreed by unanimous consent to limit debate on the conference report to accompany S. 1447, the aviation security bill, which everyone worked so hard on all week. Debate time will be limited to 90 minutes. Upon the use or yielding back of that time, the conference report will be adopted.

The managers are expected momentarily to begin discussion of this most important piece of legislation.

MEASURE PLACED ON THE CALENDAR—H.R. 2873

Mr. REID. Mr. President, I understand that H.R. 2873 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The leader is correct.

Mr. REID. Mr. President, I ask unanimous consent H.R. 2873 be read for a second time, and I then object to do any further proceedings at this time.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 2873) to extend and amend the program entitled Promoting Safe and Stable Families under title IV-B, subpart 2, of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV-E of that Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

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

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. 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.

The Senator from Texas is recognized.

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



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S11973

AFGHAN WOMEN AND CHILDREN
RELIEF ACT OF 2001

Mrs. HUTCHISON. Mr. President, we are all awaiting the bill that we have all worked so hard to produce this week, the Aviation Security Act. I will not speak about that act because, obviously, we have others who have worked very hard on the bill. We want to make sure that everyone is able to speak for or against it before we pass it. But the good news is, we are going to pass it.

I did want to take this opportunity, though, during morning business to mention a bill that passed last night. It is a bill that was cosponsored by every woman in the Senate. There are 13 women in the Senate. All of us cosponsored this bill. It is to make sure that the Congress speaks on the priorities that we believe are imperative as we give aid to Afghanistan, that women be included in that aid.

As so many of us know, the Taliban treated women especially cruelly, not allowing them access to health care. Not allowing a male doctor to see a woman effectively kept women out of the system because women are not allowed to work, and therefore female doctors are not allowed to practice under the Taliban.

In addition, women have not been able to go outside their homes without a male escort, so many times a widow would not be able to get the food necessary to feed her children or the health care for her children.

Women were not allowed to be educated under the Taliban, so we see 5- and 6-year-old girls who have had no education whatsoever because they have lived under the Taliban regime.

The bill that passed unanimously in the Senate last night spoke to those issues to say we want United States aid to be especially there for the people of Afghanistan as we rebuild the country.

We are seeing the Taliban flee. Thank goodness they are fleeing. But we want to make sure that we start playing catchup, that we give women and young girls the chance to be educated along with the young boys, that we bring women doctors in especially to give access to health care for the women of Afghanistan.

The mortality rate of children in Afghanistan is stunning. It is 25 percent. The mortality rate for children in that country is 25 percent. The major cause of that mortality rate, in the 21st century, is contaminated food and water. That is the most stunning statistic of all. In the 21st century, when clean water and uncontaminated food is universally available throughout the world, that 25 percent of the children would be dying from dysentery and contaminated food and bad water is just the saddest of all statistics.

So we do want to go in fast and try to stem the tide of the mortality of children and women, and make sure that young boys and young girls are treated equally in education, that women have a chance to participate in a new government that hopefully

would be a government of the people of Afghanistan that includes all of the tribes of that country.

I am very proud that the women of the Senate came together to speak especially forcefully on this issue. We did pass the bill last night. So I am very pleased that we were able to persuade Senator WELLSTONE to raise his hold on the bill, which I thought was an unfair hold. I did not appreciate that he would take a bill such as this hostage for another bill that he had, but, nevertheless, he did, and so it took us 2 weeks to pass a bill which should have been passed in minutes.

Having said that, I do want to say, I am very proud of the women of the Senate for coming together to highlight this issue, to speak with one voice, and to say that U.S. aid will always be there for women as well as men on an equal basis, for girls as well as boys on an equal basis.

So I am proud that we passed the bill. It now goes to the House Representative DEBORAH PRYCE is working with Democratic and Republican women on the House side to try to see that this bill goes through on an expedited basis to support our President in putting forth more aid for Afghanistan that will be equally distributed among the population.

Mr. President, I yield the floor and suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. 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.

(The remarks of Mr. DOMENICI and Mr. BOND pertaining to the introduction of S. 1717 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. DORGAN. Mr. President, if the Senator will yield, I ask unanimous consent that this Senator be recognized following the remarks of the Senator from Montana.

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

Mr. BURNS. Mr. President, I ask unanimous consent that I be allowed to speak and use whatever time I may consume. I do not think I will go past 10 minutes.

Mrs. HUTCHISON. Reserving the right to object, it is not my intention to object except that I understand Senator DORGAN sought, by unanimous consent, to be recognized. The bill is now here. I ask unanimous consent that there be no more than 10 minutes for each of the speakers so that we can get to the bill in due course.

The ACTING PRESIDENT pro tempore. That is the current order. The

Senator from Montana sought to modify that order. Is there objection?

Mrs. HUTCHISON. Mr. President, I believe the Senator from Montana will agree to speak for no more than 10 minutes, as will the Senator from North Dakota. Do they agree to speak no more than 10 minutes so we can get to the bill?

Mr. DORGAN. I agree to that request. I also want to speak on the bill. I understand when the bill arrives there will be comments by the chairman, by Senator HUTCHISON, and others. I want to make a comment about the farm bill. In fact, I will be glad to keep that to 10 minutes.

Mrs. HUTCHISON. It is important when the bill is ready that we proceed to it so we can pass it back to the House to stay on time.

I thank the Chair. I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I understand the airport security bill is ready. I am going to be speaking on something else, but it is my intent to allow the committee to proceed so the Senate can consider this bill. I am going to speak on the airport security legislation, but I will make the remarks on the farm bill following this action.

AVIATION AND TRANSPORTATION
SECURITY ACT—CONFERENCE
REPORT

Mr. HOLLINGS. Under a unanimous consent agreement, I call up the conference report on the bill, S. 1447, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1447), "to improve aviation security, and for other purposes," having met have agreed that the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

The ACTING PRESIDENT pro tempore. The Senate will proceed to the consideration of the conference report.

(The report is printed in the House proceedings of the RECORD of November 16, 2001.)

The ACTING PRESIDENT pro tempore. Under the previous order, there is now 90 minutes of debate evenly divided between the chairman and ranking member.

Mr. HOLLINGS. Mr. President, I yield myself such time as I may consume.

I first want to thank Sam Whitehorn, who is now changing clothes to come to the Chamber, and Kevin Kayes. Both Sam Whitehorn and Kevin Kayes are on my Commerce Committee staff. They have been working hard all night

long, even with the breakdown of the computer at 5 a.m., to get these documents ready for consideration. They have been working over the past 6 weeks, ever since September 11.

Secondly, I thank the New York Times. The headline today is: "Congress Agrees to U.S. Takeover For Air Security." In a line, this will do more to stimulate air travel and rejuvenate the economy than any one single thing, and that is what we have been trying to do as well as institute safety.

I thank my distinguished counterpart, Senator MCCAIN, who has been sticking with us. We fought a good fight right down to the wire, and in a general sense we prevailed in that it is not a compromise on safety.

There is an old Roman canon, XII, *salus populi suprema lex esto*, "the safety of the people is the supreme law," and that is the way we approach this. We were not concerned about contractors; we were not concerned about flexibility; we were concerned about accountability; we were concerned about safety. There is just no way, and should not be, to compromise safety. That was the difficulty of this particular task.

It has been a long, hard road. I started on this effort over 20 years ago, back in the late 1980s with Pan Am 103, TWA 800, and on and on again. There were commissions, hearings, more hearings and commissions, standards, more training, more testing, more oversight, and on September 11 we ended up with criminals doing the screening and 5,000 dead.

So that sobered us up. Senator MCCAIN and I went right to work. We had a full day of hearings. We now have a measure before us in this conference report sought for by the airline pilots, the flight attendants, the Air Transport Association, the airport managers, the Business Airline Coalition, the mayors, the Governors and everyone else. The media have been wonderful in that respect because we have the people behind us.

They have said time and again they were willing to pay up to \$25 or more per ticket to get airline security. This is only \$2.50 with a cap of \$5 on any one flight.

But I think the people ought to understand what has been going on for years on end. The FAA thought its task was in the main to promote air travel and, on many occasions, sacrificed safety. For instance, the Inspector General attested before Congress the day before yesterday, less than 5 percent of the baggage is screened.

We have seen only today at Logan Airport they had to fire, or suspend, I should say, the security contractor because his screener went to sleep at the switch and they do not know how many people got through during that slumber. They had to call everybody back in from the planes and go through security again. Security lapses have persisted, but they will not persist any longer because we now have federalization.

At our hearing, we called in El Al. We had testimony from the Israeli security agency, the chief pilot of El Al. I can hear that chief pilot. He said: Senator, when we secure that cockpit door, and it is a secure-type door, it is never to be opened in flight.

He said: Even if my wife is being assaulted in the cabin, I don't open the door. I land that plane and law enforcement is there to meet me.

That has stopped hijacking at El Al. They have not had one for 30 years. All these folks running around hollering about the European model—in the last 8 years they have had 20. We didn't model this after Europe. We modeled it after El Al.

You can see the comprehensive nature, when you listen to their particular procedure. They not only screen the passengers and screen the baggage and everything else, but they have a double-check at the time of enplanement. They have a total background check and security of the tarmac itself. This approach prevents someone from getting a ticket, having their seat assigned and then calling some plant out on the tarmac that has been working there and say: Tape a loaded pistol on flight so-and-so, and go out there. So you have to use absolute care with the caterers, the mechanics, those who have access to the planes, and the perimeter of the airport itself. It is a sort of seamless web.

When the news media talks of compromises between the House and Senate—let me put it this way: There is no compromise on safety. That is my emphasis now. With respect to the particular items, since others want to be addressing the body at this time, I encourage Senators and the public to review the content of the conference report in the CONGRESSIONAL RECORD following passage by the House of Representatives.

Let me just say this. I will never forget it. We were taught at law school that Jackson told Marshall: The Court has made its decision. Let him enforce it.

I don't want to sound abrupt, but the Congress has made its decision. Now let the administration, the President, enforce it.

I say that advisedly because our Chief Executive has been all over the lot. That is one of the disturbances we had. We were told he would sign our bill that passed 100 to 0. Then they put the entire White House in behind Mr. DELAY, changing the votes, changing the votes over here on the Senate side. Although Senators just had voted as a group of 100, part of that group changed their votes and everything else of that kind. We had, momentarily, total chaos. Now the President says he signs it.

Let me make this comment: We can make it work. We are going to have oversight. We are going to keep their feet to the fire. But he has to put in a hard charger, a Stormin' Norman or somebody as the Deputy Secretary of

Security for Transportation. If you get a person of that ilk, he will come there and he is going to get the job done. But if it is going to be business as usual and worrying—as I heard the Secretary say in one of the conferences he had—he said: Wait a minute, now, if we have that kind of security requirements in Anchorage, we will lose the business in Anchorage and they will fly to Vancouver—literally.

I said: Come on, man, whenever they come to America, whether it is in Anchorage or down in Seattle or whatever, they are going to get this kind of check.

But you can see the culture, the mindset. So you have to have someone with a strong mindset as the Deputy Secretary of Security in this particular department to carry forward this initiative.

I yield the floor to my distinguished colleague.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank the distinguished chairman of the committee with whom I have worked many years on a broad variety of important issues. I have to say, and I think the chairman would agree, this is one of the more important issues that we have had the privilege of working on together. It has been a very long and difficult process—a very difficult process.

My distinguished chairman often quotes Latin. I would like to quote one back that would describe what we just went through: "Illegitimus non carborundum," which I will not translate for the RECORD. But the fact is, this was a tough process and we did come out with the paramount aspect of this challenge of safety being addressed.

The Senate bill, the major provisions, were adopted. I thank our colleagues on the House side who were faced with some very difficult pressures, too, who finally came to this agreement.

Madam President, this legislation will install air marshals where needed on airplanes. It will call for reinforced cockpit doors. It will authorize pilots to carry guns with the approval of the new Under Secretary and the area carriers. It will provide for a new independent security agency for all modes of transportation, with significant authority to expedite new technology. New technology is going to solve a lot of the problems that we have today with delays and problems with people being able to get on and off airplanes.

There will be uniform and rigorous standards. There will be a full federalization over 1 year of every airport in America, unless five choose to opt out, in five categories in America.

Law enforcement is a proper function of the Federal Government. Law enforcement will be carried out by Federal employees. That is the case in these airports.

What will the signature of the President of the United States do? It will do

two things: No. 1, on the substantive side we will begin a process, which will take at least a year, of increasing airport security, of putting in place procedures and individuals who will allow Americans much greater, dramatically enhanced safety and security in airports and on airliners.

But what else does it do? We all know the reality today is many Americans will not get on an airliner because they do not feel any confidence that they are safe and secure in doing so. When the President of the United States signs this bill and looks the American people in the eye and says we are now embarked on an all-out effort to do everything your Government can to make you safe and secure, I think that will have a major impact on the American people and will move forward in restoring the confidence of the American people.

So I think this legislation is both substantively and from perception a very critical piece of legislation. We all know that unless airline traffic and passengers are restored to previously levels, our economy is going to continue to suffer, not to mention the very vital security and safety aspects involved. Not everything that everybody wanted was in it, although I would certainly say we got about 95 percent.

As usually happens, sometimes we add things we should not. I want to take a minute to talk about it. There are some liability provisions which are put into this bill, some of them perhaps warranted, some perhaps not warranted, covering aircraft manufacturers, the World Trade Center, some limit on liability in New York City, et cetera. As I say, there could be some beneficial aspects of these provisions, but we should be addressing liability in its entirety. We should not be addressing liability on this issue. We need the appropriate committee—which I guess is the Judiciary Committee and also to some degree the Commerce Committee—to hold a set of hearings so we can address the entire liability problem associated with the attacks on September 11, rather than a rifleshoot approach.

Do you know why we are using a rifleshoot approach? Because people are hiring the lobbyists, and campaign money. People are coming into Washington; lobbyists are coming in. They bought their access and they are exercising their influence.

That is not a fair way to address the issue of liability, and there are legitimate issues. I am sorry those provisions were included in this legislation. I don't believe in raising anyone's taxes. I have voted literally against every tax increase in the number of years I have been a Member of this body and the other body.

There is an increase in costs associated with this airport security. We need to pay for this. The \$2.50 may not do it. It may not be enough. It may require more. We put a cap of \$5 so that someone who gets on an airplane that

has four stops doesn't have to pay each time. Yes, there are remote areas of America. There are remote areas of my State as well. There are poor Navajos who want to fly from Window Rock at Flagstaff to Phoenix, AZ, and then on to some other place.

We tried to make this fair. The fact is that everybody has to pay for it. It has to be paid for by all Americans. It is a cost for the increased security requirements as a result of this new war we are fighting.

I say to the American people and to the passengers that I think this is not a high price to pay when you look at the benefits that will accrue from the increased security and safety which are absolutely vital, as we all know.

I think we came up with a good piece of legislation. We on the Commerce Committee will review this legislation and its impact. It may have to be fine tuned in a variety of ways.

I am very pleased we came together on this issue. We have now done something which, unfortunately, took too long. But certainly it is now going to be signed into law and will be a very major step forward in providing security and safety to Americans, hundreds of millions of whom use the airlines every year.

I again thank Senator HOLLINGS and our staff for the bipartisan way in which the Senate acted.

I also thank Senator HUTCHISON, the ranking member, as well as Senator ROCKEFELLER, chairman of the Aviation Subcommittee, who played key and vital roles in the formulation of this legislation.

This is a new day. We had our differences. It isn't a perfect piece of legislation, but it is a landmark piece of legislation. I think, since the Congress acted, we should now move forward and try to do the best we can to make sure through congressional oversight that the intentions and the provisions of this legislation are implemented in as efficient and expeditious a manner as possible.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Mr. STEVENS. Madam President, I would like to address a couple of questions to the Senator from South Carolina, if he will yield to me for that purpose.

I would like to ask the Senator from South Carolina: I note on page 52 that there is a provision regarding screening of small aircraft. It says that within 1 year after date of enactment of this act, the Under Secretary of Transportation for Security shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the Committee on Transportation and Infrastructure in the House on screening requirements of passengers boarding and baggage carried aboard aircraft with 60 seats or fewer used in scheduled passenger service, and recommendations for any changes to meet these requirements.

As the Senator from South Carolina knows, my State uses an extensive number of small planes. Many of them have nine seats or fewer.

Can the Senator from South Carolina tell me what provision of this bill affects general aviation that is totally intrastate and that seats 19 or fewer? In the interim of 1 year, what applies to the small planes that board passengers only for small distances within a State?

Mr. HOLLINGS. Generally speaking, none. It does not affect the small planes with passengers. We would like to spell that out, but we haven't gotten into that thoroughly.

That is our problem right here, for example, with Reagan National's restrictions against private planes coming in, and these other airports around the country. We are trying to work that out. But we didn't think that was necessarily the particular safety threat at this particular time.

Mr. STEVENS. Madam President, as the Senator knows, our State has over 150 small airports, and people go distances of 100 or 200 miles and return, or maybe stop in several places along the line. If these planes do not interline with intrastate air carriers and are strictly local carriers, are they affected by this act?

Mr. HOLLINGS. I think we are trying to find the final wording because most of this was in the House bill. But the answer is, I think on the fee you are right; it would be. The FAA safety regulations still apply to general aviation. There has been no repeal of that in the takeover by the Deputy Secretary of Security. But the general aviation regulations are not disturbed here with respect to safety.

Mr. STEVENS. Madam President, let me say this. I have had extreme difficulty in dealing with this bill because I have just read it for the first time this morning—and the report. I have extreme difficulty interpreting it as it applies to small planes that are carrying mail and passengers between two places in Alaska, where they will never intersect interstate commerce and where they will never interline with anyplace that has any difficulty as far as being a threat to people other than people in very small villages going from place to place—from Bethel to St. Mary's, or from Bethel down to various places in the Yukon. I am going to have to go home and tell those people that they are affected by this bill.

I tell my good friend that I can't tell from the way this bill is written whether some of the small villages—some of which do not have screening devices—that the small commuters fly between have to have screening devices. Are they to install screening devices?

Mr. HOLLINGS. Shalom, peace. Tell them to just calm down for the simple reason that this affects the 420 hub airports and the other airports connecting with those hub airports. The Senator talks about 100 or so. I know we have

nearly 100. When someone gets into a political campaign in Texas or South Carolina, you have to travel back and forth on the plane. We don't have machines there to test the baggage, or Federal agents.

I want to answer as appropriately as I can. We are going to continue the safety. Small general aviators practice safety because their life depends on it. No, there won't be Federal marshals there. There won't be Federal screeners in all of those little airports, if that is what the Senator wants to get to.

Mr. STEVENS. Madam President, I ask my friend: They are required to buy a ticket to get on those commuters, and they pay the \$2.50.

Mr. HOLLINGS. If they come right into that hub.

Mr. STEVENS. Madam President, I cannot find any exception here for those flying between villages and not a hub. They are going to have to pay.

Mr. HOLLINGS. There is language in the bill whereby they do not connect with the hub, for example, in Alaska. You can lower that fare in those airports.

Mr. STEVENS. Are the hubs covered named in the bill?

Mr. HOLLINGS. No.

Mr. STEVENS. They are named in the Federal Register.

Mr. HOLLINGS. Yes.

Mr. STEVENS. The current designation is not changed by this bill.

Mr. HOLLINGS. It is not changed.

Mr. STEVENS. I thank the Senator. I regret that I did not sign the report. I did not have access to this report, nor to the bill.

I still have to say to the chairman—I have great respect for him—in terms of the requirements for safety, that there are a great many places in the country, as the Senator from Arizona stated, where passengers who are not destined for a hub and are not destined for areas where the safety of passengers getting on and off is concerned, and baggage is immaterial, and if they are going from Nome to Alakanuk or to Shishmaref, or somewhere up in the village country in my State, I am afraid someone might interpret this as having them be required to pay for security which they don't get, and pay for or be subject to these requirements which they don't need.

I have to tell you, I hope we can review this sometime in the future in a way to listen to some of these people who operate commuter airlines where they may intersect a hub. We have two or three hubs in Alaska defined on the Federal Register today. They may intersect a hub, but they do not go through the screening now. And I am not sure this bill requires them to go through screening they never had to go through before to go from place to place in Alaska.

Mr. HOLLINGS. It does not require that, and there is no charge there.

Mr. STEVENS. I thank the Senator and appreciate the courtesy and apologize to the Senator from Texas.

I have no objection to proceeding with the request.

Mr. HOLLINGS. I yield such time as is necessary to the Senator from Texas.

Mrs. HUTCHISON. Madam President, I yield up to 5 minutes to the Senator from Georgia, who has an airplane to catch, after which I would like to claim my time as one of the cosponsors of the bill.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. I thank the Senator from Texas, and especially thank her for the marvelous work on the bill, as well as Senator Hollings and Senator McCain and Senator Rockefeller.

Madam President, this body is about to vote on an historic piece of legislation that will put in place new safeguards at airports across this land from Savannah to Seattle to Sacramento as families prepare for the biggest travel day in the Nation, they can feel assured airport security will be strengthened nationwide the very moment President Bush signs this landmark legislation into law.

Aviation security will now be in the hands of the U.S. Department of Transportation where it belongs. The Federal Government will immediately begin the process to hire, train, and deploy Federal screeners, Federal security personnel, and Federal law enforcement—a move supported by 80 percent of the American people.

We will finally have in place strict national standards for the hiring and training and job performance of the men and women who are on the front lines of ensuring that we have safety in aviation in America.

Ever since the tragic events of September 11, the American public has been crying out for tougher security to ensure that the horrifying events of 2 months ago will never again be repeated. This bill is our response to that call. It is a comprehensive bill, a tough bill, which helps ensure the financial viability of the airline industry and restores confidence to the flying public.

I am proud to support it. I am proud to be an original cosponsor.

I yield the floor, Madam President.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, on September 11, the terrorists found loopholes in our homeland security. Four airplanes were used as weapons of mass destruction, something we had never seen in our country. Now, 2 months later, we are closing these loopholes in our homeland security. The bill we are passing today will close the loopholes in aviation security so the people of our country, when they get on an airplane, will know every conceivable means of securing that aircraft are being utilized.

The bill before us today will create a comprehensive Federal system. There will be Federal screeners. There will be Federal supervisors who are armed law

enforcement personnel. There will be a Federal person in charge of every airport in our country to look at the safety system, to make sure it works.

After a 2-year period, we will then have the option for other types of security to be offered by an airport and approved by the Secretary. So there can be private screeners or local law enforcement people working in a security system with the approval of the Under Secretary.

We will have a pilot program in each of the five major category airports: Category X, categories 1, 2, 3, and 4, that will be all privatized so we can test that system to see if it works. Then, after 2 years of the federalized system, perhaps there will be airports that would prefer to have some privatization.

Another element of this bill that closes a loophole is that every checked bag will also be required to be screened. As soon as possible, but no later than 60 days, by some means, every checked bag will also be screened so that if you carry a bag onto the top of the airplane, it will be screened, if it goes on the bottom of the airplane it will be screened. I think that was an important loophole to close. It was my amendment to the bill. I felt very strongly about this.

We are also asking the Department of Transportation to expedite the manufacturing of the highest tech equipment possible for the screening of these bags. EDS is the code name for this electronic detection of explosives. We are going to make that a priority as well.

We are reinforcing the cockpit doors. We know the cockpits were invaded on September 11. We know that no American pilot would have flown an airplane into a building—not one. That is what they are trained not to do, and they would never do it, but for being overcome and murdered by these terrorists, who did indeed fly into the Pentagon and into the World Trade Center.

So the key elements of this bill are going to greatly strengthen our aviation security system in our country. A lot of people have asked me: Are we going to see a difference immediately? We already see a difference immediately. We are seeing people deployed from other agencies, such as the National Guard, who are standing at every screening area at every major airport in our country.

What will happen with the bill before us today is that those National Guard units that have been deployed will be substituted with permanent personnel, permanent Federal law enforcement personnel, armed Federal security supervisors. So we will see an immediate change, but we will also see these changes being made permanent.

As we phase the National Guard out of their temporary locations, we will be putting permanent Federal law enforcement personnel in their places.

We have now detailed air marshals from other agencies. We have FBI

agents. We have Border Patrol agents. Other detailees from other Departments are now acting as sky marshals. We will start replacing them with permanent replacements so there will be more sky marshals on more flights throughout our country and on international flights into and out of our country. They will be permanent Federal law enforcement personnel that will be replacing the people who have been borrowed from other agencies.

So we are going to see immediate changes. We are going to see changes made through the next few weeks, through the next few months, to make permanent these people who have come from other agencies to lend a hand, to add to the security on an immediate basis. We have also added to what is going to be screened.

Another component of our bill is to require that everybody who has access to an aircraft will have a security clearance. There will be a criminal background check required for every person who has access to an airplane. Whether it is a mechanic, whether it is a person doing food service, regardless of their mission on that airplane, they will have to have a security clearance. That is another very important feature of this bill.

So I think we have made great progress. I thank Senator HOLLINGS, Senator MCCAIN, Senator ROCKEFELLER, and others who helped—Senator BURNS, Senator KERRY—for coming together and working through this very difficult piece of legislation.

I thank Chairman YOUNG on the House side, and the chairman of the subcommittee, Chairman MICA; and Mr. OBERSTAR. These are people who contributed greatly to coming together and getting something that I believe is going to significantly improve the security of the flying passengers in our country.

I think it is going to tighten many of the loopholes that we had in our system before September 11. No longer is the American flying public going to rely on the honesty of every person who gets on an airplane. I think we have had to become a little less optimistic in our outlook, and now we have to provide for concrete solutions. We cannot just rely on the good will of every person in the world. We are going to have to protect our people. That is what homeland security is, and that is the function of the U.S. Congress.

In the Constitution of our country, we are required to provide for the security of our country.

Security is not something you can contract out to the lowest bidder. Security is not something you can take a chance and hope that maybe we can devise a system that we can maybe make work. That is not an option for the Congress.

We have one option. We have one responsibility. That is to provide the security to the people of this country who are flying in airplanes and believing that everything has been done to make them safe.

The bill before us today, that we will pass very shortly, is a bill that is going to secure the people to every human extent possible against the kind of terrorist attack we saw on September 11 or other terrorist attacks that could be made in other ways. We are securing the top of the airplane. We are securing the bottom of the airplane. We are securing the cockpit of the airplane. We are securing the airports through which people go.

We are going to beat the terrorists. We are going to secure the people of our country so we can travel in freedom. That is our responsibility. We are doing it today.

I thank Chairman HOLLINGS once again and Senator MCCAIN, all those who came together, along with my staff, Joe Mondello, who contributed greatly, to the staff who stayed up all night last night who could barely even make it here this morning because they were taking a shower after trying to make sure that this bill was written.

I thank everyone who contributed so much to doing this for the American people, something they deserve and something we are giving them today when we pass this bill to the President of the United States.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BURNS. Mr. President, we will agree to the conference report to accompany the airport security bill in a few moments. It is a terrible thing; I lost my voice. That is fatal for auctioneers and for those of us who try to make a living in the cave of the winds, which is this Chamber, but I will try to get through. I will make my points as quickly as I can.

We had an opportunity to pass a good bill, and I think we have a bill. I will pledge to my colleagues in this Senate and also to the flying public that I will do everything I can to make it work because we have spoken.

If we really wanted to maximize security at airport facilities across the Nation, we took a wrong turn in this bill. That is what we do. I offered an amendment to allow the bright line of accountability, authority, and responsibility of jurisdiction of enforcement of those laws to reside with the Department of Justice. When I offered that amendment, it was immediately accepted by a voice vote. No debate was held on that part of the bill. Some of that was my fault because we were trying to deal with the bill and move it through the Senate.

As we consider this legislation, I ask the question: Whom are we trying to protect? I will tell you whom we protect more than anything else. We protect Government jobs. We are building up a bureaucracy within the Department of Transportation to which even the Congressional Budget Office cannot put a figure. We do not know what this is going to cost yet.

What happens after we pass this bill today? The rules of administration will be written. That will take considerable

time. Those of us who are concerned about this bill were told we had to pass something before Thanksgiving because Thanksgiving is the most highly traveled time of the year. I suggest we are not going to have any more protection this Thanksgiving, and I am not sure we are going to have the protections in place next Thanksgiving.

If we try, as a legislative body, to suggest to the rule writers how we want the bill to work, we will be given the old story of separation of powers, that we cannot do that. So now it goes into the hands of the bureaucrats who have a habit of writing the rules for their benefit and sometimes disregarding the real reason why we passed the legislation.

Every time one flies, they are going to be charged to pay for this big bureaucracy, and every taxpayer in this country will also be paying for it.

Why did I decide the Department of Justice is better than the DOT in the areas of enforcement? I will say why. It is enforcement. Before we can expect load factors to go up and return to the levels prior to 11 September, the flying public must feel secure and safe. Symbolically, for no other reason, I suggest the Department of Justice do that.

Let us take a look at the areas of responsibilities and the challenges ahead of us: passenger lists, intelligence, baggage and cargo, check-in areas, boarding areas and, yes, the security of the aircraft. All personnel who have anything to do with maintenance, cleaning, fueling, or catering must be screened.

These are challenges of great dimension, and it is a big job ahead. Yes, we are asking to build a new bureaucracy in order to take care of this. Who is best equipped to handle that challenge? I suggest the Department of Justice because they have the intelligence in front of them and they know how to handle secured areas.

Who deals with security every day and has the experience to do it? Who can best be put to work the quickest and have people on the ground doing the business the fastest, without creating a new bureaucracy? The model is in front of us.

As we discussed, this was not allowed to be discussed in conference, either. There was no debate so the American people were not given a real choice between a new bureaucracy and a bureaucracy that is already in place.

How are we going to pay for it? I will leave with this thought. Again, I will pledge my support to make sure this law works. It would be unwise to be any other way.

We have come through the World Series, a great World Series, and we watch football almost every day on our television sets. Do you know what makes that game a great game and why it garners all the spectators? It is because we do not let the teams referee their own games. In football, there are 22 men on the field, the most heavily armored, mobile, hostile, bent on killing one another, and 6 old men in

striped shirts have very few problems. Why? One, because there is only one rule book, and No. 2, we do not allow them to referee their own games.

I contend we are making a big mistake. I did not sign the conference report, but I will pledge to make sure the law works. I also warn my colleagues we will be back in less than a year to deal with this problem again.

I yield the floor.

Mr. HOLLINGS. I yield to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I add my appreciation for the work of the Senator from South Carolina and Senator MCCAIN of Arizona. As chairman and ranking member of the Commerce Committee representing our side on this issue, they did outstanding work.

We do big and small things in the Congress. This is a big thing. This isn't testing the water. This is making waves. This is really a profound change in many ways with respect to security on airlines that serve our country.

I rise to talk a bit about some of the things we are doing and why.

First the why. We know that September 11 caused great concern among the American people about the risks of taking airplane flights. They saw jetliners used as bombs, as missiles full of fuel, taking down two of the largest buildings in our country.

The site of that kind of tragedy, that act of mass murder, that terrorism has persuaded many Americans to feel queasy and jittery about flying. What kind of security exists with respect to the airlines?

Then they read in the newspaper in recent weeks stories about a person who comes to an airport in Chicago and is screened. They discover two knives on the person. They send the person to the boarding gate, and they do an enhanced screening there. He has seven more knives, a stun gun, and a can of mace. People ask: How can this happen? It further erodes the confidence of the American people with respect to security.

In the last couple days, a fellow with two meat cleavers gets through a screening process. Here we have nine knives, two meat cleavers, a can of mace, and a stun gun. The other day a woman is discovered to have a .22-caliber pistol in her purse. After she gets through the screening process, she says: I don't understand that. I got it through when I took other flights. She is walking through screening in other circumstances with a loaded .22-caliber pistol.

Does it give people pause? Of course, it does. The screening that has existed by some of the companies has not been good at all. One of the companies named Argenbright was fined by the U.S. Government \$1.5 million, put on probation and then violated their probation, hired people with criminal backgrounds, didn't train them prop-

erly, certified to the Federal Government false documents. It does not work. We know that.

The question confronting Congress is, What do we do to give people some confidence about the system? The answer is obvious: improve security. How do we do that? This legislation puts sky marshals on airplanes in significant quantity. That gives people some confidence. It strengthens the cockpit doors, requiring airlines to take action to do so. That will give people some confidence, especially with respect to baggage screening, airport perimeter security, and a range of other things.

This legislation says what we have been doing has not worked and we will do it differently. This establishes a process by which we have uniform standards. We will hire Federal screeners at airports. They will be managed and trained effectively and consistently. They will provide a level of security the country deserves and needs.

Let me mention that in this legislation is a provision I added which I have been trying to add for some long while. It will finally become law with the President's signature. It deals with something called the advanced passenger information system. I have added it to three bills in the Senate. It has been kicked out because of jurisdictional disputes with one of the committees of the House of Representatives. I put it in this bill, and it will be signed by the President. It is going to get done.

What does that mean? It means that airlines bringing people into this country as guests of ours with visas must provide us advanced passenger lists of who is coming so we can run those lists of passenger names against the FBI list, against the Customs list, and 21 Federal agencies that have lists about people that we don't want coming into this country, those who are terrorists, known or suspected, that we don't want to allow into this country.

We have had, since 1988, something called the advanced passenger information system. Most airlines around the world comply with it. When they land in the United States prior to coming here, they have given us an advanced list of who they are bringing to the United States as guests with a visa.

Some airlines have refused to comply. Some airlines refuse to comply with this voluntary system. Let me share which airlines: airlines from Pakistan, Saudi Arabia, Egypt, Jordan, Kuwait. Do we want to know the names of passengers coming from those countries? You bet your life we do.

I have proposed an amendment that is now in this legislation that will require the advanced passenger lists be sent to this country. Our message is very simple: Do what all the other airlines have voluntarily done since 1988 or land somewhere else. Don't land in the United States. If you want to land here, send us the advanced passenger list of who is on the airplane so we can run them against the 21 Federal law

enforcement agencies to see whether there is a passenger on this flight or that flight that is a known or suspected terrorist or someone who associates with terrorists who we have decided we will now not allow to visit the country.

It is sensible. It should have been done before. It was not. As I said, this is the third time I have put it in legislation, and I put it on two other appropriations bills.

This bill is going to get signed by the President of the United States. Finally, this will be done. It is not a small matter. It is a big issue and an important piece of adding security with respect to this legislation.

Mr. HOLLINGS. Madam President, I particularly thank the Senator from North Dakota and his staff. They worked with us around the clock. That is why we are here today.

I yield to the distinguished Senator from Virginia.

Mr. WARNER. Madam President, great credit goes to our distinguished colleague from South Carolina for his chairmanship and leadership to get this piece of legislation through, as well as our distinguished ranking member, Senator MCCAIN, and Senator HUTCHISON, who have worked hard to get this done.

I want to make two points. Virginia was struck in this tragic episode on what is referred to as 9-11, September 11. As a consequence, National Airport was closed down and still is operating at less than half capacity. The economic consequences to our area in Northern Virginia has been very substantial.

Senator ALLEN and I, together with other members of the Virginia delegation, are working to do our very best to provide funding for the people who have suffered as a consequence of closing the airports down. I have followed this debate and I, again, congratulate our chairman for the manner in which he and others conducted that debate on the floor of the Senate, and for the strong vote they had for their bill, and for the fact that much of the Senate bill has survived this important conference. But in the course of this debate, I think mainly in the other body, there were inferences raised that Government employees were perhaps not first-class citizens but second-class citizens. I resented that. I am privileged to represent many of them, and I myself have had about eight or nine different Government positions in my lifetime.

I have often said I am privileged to be a Senator because of the training and so forth I received from many of my supervisors in the course of long Government service. The Federal employees are a very valuable asset to the United States of America. Now this piece of legislation even trusts to them the safety of our passengers. I believe they will live up to this challenge and that there will be no basis for ever saying that Government employees are

second-class citizens. They are first class just like the rest of us.

Again, I am talking about any number of Federal people who are working throughout our system, whether it is the FBI, U.S. Marshals Service, and all types of people who have provided security.

I am very pleased House and Senate negotiators have reached agreement on an airline security package to fully federalize security at every airport in the United States.

By approving this conference report today, the Senate is saying to the American people that the Federal Government is doing everything in its power to protect them when they travel by air.

While this agreement is not a total solution to our aviation security problems, it is a strong first step.

The problems with the current private security system are well documented and I will not repeat them here.

Suffice it to say the current system is not giving the American people the protection they need in this era of terrorist threats, and I believe the action the Senate is taking today is the type of bold action necessary in these times of uncertainty.

In every area except passenger and baggage screening at airports, protecting the public is performed by sworn law enforcement officers. Local police and sheriffs protect our cities and neighborhoods, State troopers patrol our highways, the FBI fights crime and prevents terrorism nationwide and the U.S. Border Patrol guards our borders. Why should passenger security at airports be a glaring exception to this rule?

Federal Air Marshals are protecting passengers in the air.

U.S. Customs agents conduct passenger and baggage screening for international flights to prevent contraband from entering or leaving the country.

U.S. Department of Agriculture agents inspect baggage for dangerous plants and animals at our airports.

U.S. Immigration and Naturalization Service agents monitor foreign nationals entering the United States at our airports.

U.S. Drug Enforcement Agency agents search for illegal drugs at our airports.

Why shouldn't Federal law enforcement perform other security functions at our Nation's airports?

With the economy potentially heading for recession and the airline industry on the verge of bankruptcy, the U.S. Government must do all it can to revive the air transportation system.

We have already passed the Air Transportation Safety and System Stabilization Act. This important legislation provided \$5 billion in capital and \$10 billion in loan guarantees to keep the airlines financially viable.

Now we are taking the next step which is to restore public confidence in the security of our aviation system.

I thank the chairman and ranking member and others for this opportunity.

Mr. LIEBERMAN. I rise to support the conference committee report on aviation security and, particularly, to congratulate the chairman, Senator HOLLINGS, the ranking member, Senator MCCAIN, and all of the members of the committee and their staffs who have worked so hard to bring about this very critical result today.

Since September 11, when we saw the worst of human nature in those who attacked us, I think here in America we have seen the best of human nature. That is particularly so in the unity that we have all felt among the American people and that unity that has been reflected in the Congress of the United States as we have worked with more nonpartisanship over a sustained period than I have seen in the 13 years I have been privileged to be a Senator.

Until this morning, the one unfortunate exception to that was the critical area of aviation security, where the Senate, I am proud to say, acted more than a month ago and stood shoulder to shoulder in, again, a nonpartisan fashion to adopt 100 to 0 a strong aviation security bill. Of course, what followed was a different approach in the House. Time went on, and now more than 2 months ago our aviation system was used by terrorists to strike a terrible blow at our people. But, happily, the gap that existed between the Senate and the House has now been closed in a most positive fashion.

I cannot thank the chairman of the committee, Senator HOLLINGS, and all who are on it, enough for the persistence to principle and what would be effective here when there could have been compromises that would have gotten a bill passed earlier, but really would not have done what the American people want us to do, which is to make flying just as safe as it can possibly be.

I say to Senator HOLLINGS, who has had an extraordinary career in the Senate, I think this is one of the high points today. It is something that will not only protect the traveling public for years and years to come, and protect literally the lives of the American people, but also at this moment in our economic history, when our economy is certainly sliding in recession, he has brought to the Senate and helped us to pass today a bill that will probably do as much to stimulate our economy as most parts of that economic stimulus plan that we haven't quite yet agreed on—maybe more than all of them—because air travel is so critically important to our commerce and particularly important in the areas of the country that rely on tourists.

I congratulate the leaders of the committee and say just a few words about the bill and why I think it is so critically important. The Senate Governmental Affairs Committee, which I am privileged to chair, has held two oversight hearings on aviation security

since September 11. One was on September 25, and the other was on this past Wednesday, November 14. The picture that emerges is that for too long, and with too many warnings from the GAO, from the inspector general at the Department of Transportation, from Members of Congress and committees of Congress, we lowered our guard; we allowed such weaknesses to persist in our aviation security system that created the vulnerabilities that the terrorists took advantage of, with the dreadful consequences on September 11.

The measures that have since been taken have definitely improved the situation. The measures that are called for by this legislation we passed today will not only make aviation security so much stronger, but as I look back, and considering the two oversight hearings our committee has held, I would say that if this legislation had been in effect before, it would have been very hard for the terrorists to have done what they did on September 11.

Let me mention a few of the weaknesses in the system that our hearings showed. This one struck me. It just came out 2 days ago at the hearing. We asked about the bomb detection equipment that is in some of our airports, how much of the baggage that is checked on to the planes is scanned for bombs. The inspector general, Mr. Mead, of the Department of Transportation stunned me by saying that today, 13 years after Lockerbie, and more than that after the earlier hijackings, less than 10 percent of checked baggage nationwide is being screened for explosives prior to being loaded on the aircraft. Of course, we all know and have heard screeners are underpaid, overworked, and undertrained. Screening, therefore, has been haphazard.

The technologies being used for the screening and other identification functions at the airports are outdated. Some machines—bomb scanning particularly—are sitting idle at airports. In one test done about a year ago by the inspector general of the Department of Transportation to see how secure the allegedly security areas of the airports were, more than 80 percent of his testers got through to the behind the scenes parts of the airports, where they were not authorized to be, and where so much critical to the security of the planes goes on. Obviously, the cockpits were unsecured. Database connections between law enforcement agencies, the FAA, and the airlines were minimal or nonexistent.

A recent spot check just last weekend, Veterans Day weekend, of bomb inspection machines at selected airports in the country, found that fewer than 30 percent of the machines were in continuous use, despite an FAA directive ordering more usage.

Again, just last weekend, more than 2 months after September 11, screeners at passenger checkpoints were observed leaving their checkpoints while passengers were passing through. The system was plagued—and, unfortunately,

still is—by tremendous inconsistencies in the level of scrutiny across airports and even within airports.

Every one of these problems can be, and I believe will be, solved by the legislation we will adopt today. I particularly thank Senator HOLLINGS and the Commerce Committee for the accepting two amendments offered by three members of the Governmental Affairs Committee.

Senator DURBIN and I offered an amendment that, among other things, provides \$50 million a year for the next 5 years to speed up research and development of airport technology so that the public can be better protected. It creates a 6-month effectiveness assessment and a 12-month deployment of improvements to methods of preventing unauthorized access to sterile areas of the airports—that is, those areas the public is not supposed to go—including biometrics, increased surveillance, airport exit systems, and prevention of so-called piggybacking.

It expands the use of computer-assisted passenger prescreening to trigger additional screening of passengers and their carry-on items.

It adds \$20 million for long-term research and development.

That is the amendment Senator DURBIN and I offered.

Senator THOMPSON offered an amendment which was accepted by the committee that deals with performance standards being regularly applied to aviation security. It is up to us to pay attention to the application of these standards, and the Department of Transportation will report to us how well the airports and airlines are achieving what we want them to achieve and what is expressed in this legislation. This is an extraordinary step forward. It shows that we have learned the lessons of September 11.

Finally, this bill sets a standard for us as to what we must do regarding other parts of our critical infrastructure. We naturally have focused on the aviation system because that is where we were hit and hurt so badly on September 11. But I fear that similar vulnerabilities which we found in aviation security will be found in other forms of our transportation system or hubs in other forms of transportation, utilities, communications, cyberspace, and financial systems on which we all depend. I could go on and on.

Basically, this is the urgent work with which Governor Ridge and the Office of Homeland Security has to deal, with the help of Congress.

A high standard of public service and public protection has been achieved in this conference committee report. Again, I extend my sincere thanks to Senator HOLLINGS, Senator MCCAIN, and all who worked to make this happen. They have advanced the security of the American people and the well-being of the American economy. I thank them, and I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. There are very important inclusions in this airport security bill. They were made, in essence, by the distinguished Senator from Connecticut. The Governmental Affairs Committee worked with our committee, and we were glad to have his leadership in this regard. I thank him publicly for his good leadership which helped us get to this point.

TECHNICAL CORRECTIONS TO THE AVIATION SECURITY BILL

Mr. MCCAIN. Madam President, as is understood, we had a computer crash early this morning, the result of which was that a significant amount of agreed to text in this bill was lost. In order to meet filing requirements, the staff was forced to work quickly to reconstruct portions of the bill that had been carefully negotiated. Unfortunately, some mistakes were made in this process. In particular, I am referring to Section 145 of the bill, entitled "Air Carriers Required to Honor Tickets for Suspended Service."

It had been agreed to by all parties that the conditions under which air carriers would be required, to the extent practicable, to honor the tickets of passengers who had purchased tickets on other airlines would be: "Acts of war, terrorism, insolvency, or bankruptcy."

Unfortunately, in a drafting error, the language neglected to include the conditions for acts of war or terrorism.

I want to make clear, now, that I will ensure that these conditions will be included as part of a technical corrections bill before the end of the first session of this Congress.

I ask my colleague from South Carolina, will he join me in making this commitment?

Mr. HOLLINGS. Yes, I join the Senator in committing to ensuring that these changes will be included as part of a technical corrections bill before the end of the first session of this Congress.

ENSURING COCKPIT SAFETY DURING SMOKE EMERGENCIES

Mr. INOUE. Madam President, Senators HOLLINGS and MCCAIN have done an outstanding job of bringing this important legislation to a final conclusion. Hopefully, this measure will help fully restore consumer confidence in air travel and prevent any future use of airplanes as weapons of mass destruction.

This measure includes critical provisions to ensure cockpit security. In addition to the specific measures identified, this measure also authorizes the Federal Aviation Administration to take additional action as may be necessary to ensure the safety and security of the aircraft.

One additional safety concern that I wish to raise relates to potential threats caused by smoke in the aircraft, including smoke resulting from small incendiary devices which could affect the cockpit crew's ability to see and operate essential instruments to safely control and land airplanes.

I would like to take this opportunity to ask Chairman HOLLINGS whether the language in section 104(a)(1)(B) will authorize the FAA Administrator to consider whether safety and security procedures may be necessary to ensure the integrity of the flight deck during smoke emergencies.

Mr. AKAKA. Mr. President, I, too am concerned about aircraft safety during smoke emergencies and join him in his question.

In addition, I also commend Senators HOLLINGS and MCCAIN for their efforts to complete this important legislation and believe that this measure will help to restore confidence in air travel.

Mr. HOLLINGS. I thank the Senators from Hawaii for raising this important concern. Section 104(a)(1)(B) would authorize the FAA Administrator to take action as may be necessary to ensure the safety and security of the aircraft from smoke emergencies.

Mr. KOHL. Madam President, more than 2 months ago we witnessed the worst ever terrorist attack on American soil. The horrific sights of September 11, 2001, will be with us forever. Our Nation has come together during this difficult time and we will continue to strengthen our resolve in the days to come.

I am pleased that Senator HOLLINGS through his leadership and the hard work of his staff is able to present to the Senate this very important Aviation Security Act. Thanksgiving is just a few days away and millions of Americans will be traveling to visit family and friends. I am proud that we are able to return home and report to our constituents on the progress we have made in regards to strengthening our aviation security system.

The conference report before the Senate brings a safer and more secure aviation network for the thousands of Americans who fly every day. Tougher safety standards, federalization of screening of passengers and their luggage, increased presence of sky marshals on flights and strengthening of cockpit doors are just a few of the important measures that take us in the direction of a new Federal and comprehensive safety network for our airports. I am also pleased that all who have access to aircrafts will be required to pass a background check. We have reached this very important agreement and now these new regulations and safety standards must be implemented fairly and consistently.

Again, I congratulate Chairman HOLLINGS and Senator MCCAIN on their leadership on this issue and strongly support the conference report.

Mr. ROCKFELLER. Madam President, more than 2 months have passed since the horrific events of September 11, when we watched as our Nation's aircraft were hijacked and used against us as weapons of mass destruction. More than a month has passed since the United States Senate stood together and unanimously passed an aggressive, comprehensive Aviation Security Act, solemnly resolving that we

must never again see a day like the 11th because of inadequate security measures at our Nation's airports.

Today we keep that promise made to the American people: This aviation security bill is simply a huge win for passenger safety, in every part of the Nation.

The legislation we approve today will require numerous new security features, including full Federal law enforcement at all airports, expansion of the Federal Air Marshal program, and screening of all passengers, baggage, and employees.

This bill will revolutionize security at our airports and in our skies. Every person and every bag, at every airport, big and small, will be screened by Federal law enforcement personnel, no exceptions.

The traveling public want and deserve safe and secure airports and airplanes, and this legislation gives them the confidence they need to keep flying.

As we learned after the attacks on September 11, we can no longer ignore the security needs at our Nation's airports. We can no longer allow the lives of our citizens to be placed into the hands of private companies. Airport security is no longer just a transportation issue, it is a national security concern, and the Federal Government will now take on this critical responsibility.

Additionally, the bill requires dramatic security increases in and around airplanes. This includes the securing of all cockpit doors; screening of everything that is put on an airplane including (beverages, food, mail, etc.); background checks of every employee that services the flight, including catering company workers; and anti-hijack training for pilots and flight attendants.

I am extremely pleased to join in bringing to the Senate floor a final conference report that will so dramatically improve the safety of our Nation's skies. The road to final legislation has been harder and longer than the unanimous Senate vote may have led some to predict. That is, as we all know, because the House of Representatives passed an aviation security bill far different from our own, particularly on the question of whether screeners on the front lines of national security should be Federal law enforcement officers or private companies.

This final conference report resolves that issue firmly on the side of Federal law enforcement and represents a great victory for passenger safety. The American people deserve to be safe and to feel safe when traveling in our skies. Now more than ever, aviation security is national security, plain and simple. Like all other aspects of national security, it must be entrusted to Federal law enforcement personnel.

The House and Senate bills both contained a number of important provisions that we were able to quickly agree upon. As I stated earlier, we will

now move to fortify cockpits, dramatically expand the sky marshal program, provide flight crews with the best anti-hijack training possible, and ensure that every single bag, every person, and every item boarding a plane is screened. These steps alone offer an enormous improvement in aviation security.

In addition, we have agreed on a bipartisan and bicameral basis to "federalize" airport screeners and reorganize the Department of Transportation around security priorities. Federalization of the screening process is a necessary step in strengthening the flying public's faith in our Nation's air transport system. In many ways, the American people have shown their clear preference that the screening of passengers and bags become a Federal law enforcement responsibility. This conference report answers their demands and ensures that the safety of our skies is given the same priority as the safety of our streets and borders.

The Federal Government will implement a program to place law enforcement officers at every single airport screening station in America. These men and women will be public servants of the highest quality, having been subject to background checks, skill assessments, and intensive training in classrooms and on the job.

The 2 years after the screening system has been fully upgraded nationwide, the conference report provides airports the flexibility to consider bids from private screening companies. If an airport believes, and the Secretary of Transportation agrees, that a private company can offer security equivalent to that provided by Federal law enforcement, then they can choose that approach. Certainly, this will be a high hurdle, as well it should be. But this compromise represents the best of what America has to offer, the unquestionable competency and professionalism of our Federal law enforcement and the ability for individual airports to be responsible for meeting tough Federal standards by an alternative means.

In addition, we will allow the Department of Transportation to initiate a pilot program for privatizing screeners at no more than five airports, each in a different size category. Importantly, those airports must themselves seek to be part of this pilot program, the DOT cannot force a private company approach on anyone. This will give us a chance to evaluate and reevaluate what works and what does not. I welcome the opportunity to engage in a continuing review process, adjusting our original plan as necessary to make sure it works as well in the real world as we believe it will today. It certainly will not matter who manages security at our Nation's airports if we are not vigilant in maintaining the quality of the program once in place.

As chairman of the Aviation Subcommittee, I take real pride in the work of the conferees to reach a final

agreement on aviation security. I must also say, however, that I was disappointed that some of my House colleagues tried to turn this into an anti-government and anti-union debate. This bill is about safety, plain and simple. It has nothing to do with the size of government or unionization of workers.

In the end, national security prevailed, but the misplaced focus on unionization meant that the House would not yield on including the most basic rights of Federal workers: health care, worker's compensation, and civil rights and whistleblower protection. These critical matters are left to the discretion of the Department of Transportation, and it is my hope and expectation that the Secretary will have no choice but to offer a good package to fill so many positions so quickly. In fact, DOT has assured us that they will offer rights and benefits at least as good as those afforded other Federal workers, and I intend to hold them to that promise.

Finally, I want to emphasize that much of my effort on this bill, like all of the aviation bills I work on, was aimed at ensuring that rural communities have the best possible options for security and service. In the face of so many House proposals to federalize only at the large airports, and privatize only at the small airports, I held firm to the principle that small airports must be served by true law enforcement. Now, within a matter of months, all West Virginia travelers will have the security of Federal screeners, Federal supervisors, and Federal and local law enforcement on hand to protect them.

I urge all parties, public and private, to move swiftly to implement the new security measures as soon as the President has lifted his signature pen from the paper. The sooner the actual provisions of the law are implemented, the sooner the public's confidence will be restored. When Americans once again feel safe in the sky, we will have claimed a major victory in our war against terror.

Mr. KERRY. Madam President, I would like to be among the first to congratulate Senators HOLLINGS and MCCAIN for their leadership in getting us to this point. Without their leadership we would not have a conference report, so I thank them for their fine work.

The conference report that we have signed off on, and to which the full Senate is about to agree, is historic legislation. Our legislation will immediately put an end to the unacceptable state of airport security. Everyone knows the technical aspects of the bill by now. But our bill will, for the first time, guarantee uniformity in our Nation's aviation security. The bill creates a seamless web of improved security, so that passengers boarding a plane in Worcester will have the same level of heightened security as someone boarding a plane in Chicago. This

is critical to Americans in places where small airports are the norm. It would have been unacceptable to create a two-tiered system of security.

Our bill also provides accountability in aviation security. For too long the FAA, airports, airlines and private security companies have been able to point fingers at one another without any real improvements being made in security. The Congress has passed law upon law designed to improve things, but these laws never seemed to be fully implemented. That all ends with the passage of this legislation. It is my hope that a message has been delivered clearly to anyone with any security responsibilities at our airports. The Congress has empowered the Federal Government to make serious and lasting improvements in airport security. We have provided all the necessary tools to improve the screening of people and their bags. We must now use those tools to make the American people as safe as possible when they fly.

We have also placed, through passage of this bill, a renewed confidence in the Federal Government to perform vital national security functions. No one questions the superior job that the 36,000 men and women of the Coast Guard do in protecting our ports. No one doubts that the Customs Bureau does a fine job of inspecting trucks, planes and ships that unload cargo in the United States. But many people will be watching closely as Federal managers, supervisors and, ultimately, screeners, begin to protect our airports. They must know that the flying public will be watching them closely, and they must not fail.

Equally important as improving the quality of screeners, we recognize the need to improve the technology used in airport security. Technology can be a great ally to us, and this legislation places a great emphasis on investing in research and development. We authorize grants for the development of new technology to improve security. With new technologies, we enhance our ability to authenticate passenger and employee identification, our ability to control access to secure areas and the way we screen checked baggage.

Our bill dramatically improves the screening of checked baggage. We currently only screen about 3 percent of all baggage that goes into the belly of a plane. Our legislation will take immediate steps to screen all baggage for explosives, ultimately ensuring that all baggage is screened with the most sophisticated technology available. During debate on the Senate bill, I filed an amendment that would have required the screening of all checked baggage by 2005. This bill sets the deadline a year earlier. I believe that this is an extremely ambitious target, but it is one that we must be prepared to meet. The Congress must follow through by providing critical financial resources to help acquire and deploy explosive detection systems so that the Department of Transportation can meet this deadline.

Finally, I thank our House colleagues who were invaluable in brokering this deal. Chairman DON YOUNG and Ranking Member JIM OBERSTAR were key players in this process and the entire Senate must owe them our gratitude.

Ms. SNOWE. Madam President, I rise today in support of the legislation before the Senate which is designed to overhaul aviation security in this Nation.

This is an issue of vital national importance in the wake of the September 11 tragedy. As a member of the Senate Committee on Commerce, Science, and Transportation, and a conferee on the aviation security conference, I fought for the strongest possible enhancements to our existing system. I believe we succeeded in this endeavor.

Going into the conference, I felt we needed to confront the issue of federalization head-on, and I believe we have done that. We needed to send an unequivocal message to the American people that the government is taking control of security, and it is safe to fly. I believe we have accomplished that. When this bill is signed into law, the status quo is history.

The agreement before us will federalize virtually all security screeners. The Federal Government will take immediate control of the system. Once the Federal system has been imposed and we have had a chance to evaluate it, individual airports that meet strict federal standards will have the flexibility to deploy law enforcement personnel or contract screeners. This is very similar to an approach I had suggested to the conference committee leadership, under which all screeners would be Federal employees, and then after 4 years, a review of the system could be done.

The Federal Government will provide direct management and oversight, set strict new standards, ensure that they are followed, and will have the power to fire screeners who don't measure up to the standards. We won't have a system where anybody's financial "bottom line" is a competing priority with protecting the flying public. We will have a reliable, professional force of security screeners. This is what Americans have been calling for in airport after airport. And it is what they are going to get.

The system will be seamless. There will be no gaps in control or oversight. It will be uniform. The Senate version of the bill would have transferred control of the screening system to the Department of Justice. The conference agreement gives control to a new Transportation Security Under Secretary. I would have preferred that we vest this critical security responsibility with an agency with a historic law enforcement function. Nonetheless, passengers will know that they can count on the same level of security throughout the system, whether they are boarding at LAX, Chicago O'Hare, or the Portland, ME, Jetport. There will be no question about who is ac-

countable. And it won't be a private for-profit company—it will be the Federal Government.

Furthermore, this package meets the critical goal of addressing the interlocking rings of aviation security, from the perimeter to the airport to on-board security, because ultimately, the system is only as strong as its weakest link. It will address the gamut of critical issues, including baggage screening, additional air marshals, and cockpit security.

In addition to imposing Federal control on security screening operations, there are a number of provisions in the bill that I worked hard to secure. For example, the bill will ensure the screening of all checked baggage within 60 days, and all checked bags will be screened with highly sophisticated explosives detection equipment by the end of next year under the deadline set forth in the agreement, a top priority of mine.

The legislation will increase the number of air marshals as well. Shortly after the tragic attacks in September, I cosponsored legislation by Senator HUTCHISON to boost the Air Marshal Program, and I believe this is a critical step. It will ensure that any potential terrorist will know they could be flying with one or more armed marshals, trained to take control in the event of an attempted hijacking.

The bill provides for background checks for students enrolled in flight training. I introduced legislation to require background checks for foreign nationals seeking such training. A background check provision was included in the Senate bill, and a similar provision is included in the conference agreement. This will ensure that federal law enforcement authorities are alerted in the event that an individual with known ties to terrorist groups attempts to obtain flight training.

The bill also includes provisions I worked for directing the new Transportation Security Under Secretary, created in this measure, to focus on the critical mission of better coordinating all modes of transportation nationwide particularly in preparation for emergencies such as the events that unfolded on September 11. And I would like to thank Senators HOLLINGS and MCCAIN, in particular, for working with me and for their support on this important issue.

I am very pleased we were able to come together in a bipartisan way to send a comprehensive package to the President that will restore the confidence of the American people. Because the images of the unspeakable horrors of the recent terrorist attacks will be etched in our minds forever. When the "devil incarnate" hit the United States, he attacked not only America, but freedom-loving nations everywhere. We are going to need the resources of the United States coupled with the cooperation of our global neighbors in order to wage the fight against terrorism. For it is a fight we must win, and will win.

But there should be no mistake, victory will not come overnight. We are voting on this bill today because, as we continue to mourn the tremendous loss of life both of those in the air and on the ground, we also know that our transportation system must endure and must be secure if we are to move the Nation forward, and also ensure that we are in a position of strength to be able to wage the kind of war necessary to eradicate terrorism. And we cannot remain strong if we cannot remain mobile.

Our goal was to restore the confidence of the American people in the aviation security system. I believe the measure before us will accomplish that goal. The fact of the matter is, if the flying public does not have confidence in the security, they will remain reluctant to fly, with severe long-term repercussions in the aviation sector and in our economy. Imposing stringent Federal control and oversight over airport security will go a long way to helping instill confidence in the flying public, and will enable the government to exercise much greater control over the quality of screening.

We found common ground on a very complex issue, and I am pleased that both sides were able to come to agreement so quickly in the name of safety, to ensure that Americans have complete confidence in the men and women who form the last line of defense.

In the end, we did come together—as we did on a resolution supporting the use of force to combat terrorism, as we did on legislation providing emergency funding for the recovery and relief effort after the September 11 attacks, as we did on a financial relief package for the airline industry, as we did on counter-terrorism legislation—to develop an agreement to address the gaps in aviation security and restore the confidence of the American people in our aviation system. So I urge all my colleagues to offer a strong show of support for this important legislation.

Mr. SMITH of New Hampshire. Madam President, the Senate passed an amendment by myself and Senator CONRAD BURNS of Montana to allow for armed pilots as the first line of deterrence and the last line of defense for cockpit security.

The first line of deterrence because terrorists will know that armed pilots will be able to defend the cockpit and defend the aircraft from a hijacking.

The last line of defense, because, when all else fails, including the armed air marshals and the reinforced cockpit door, an armed pilot will be in the cockpit to defend the cockpit from terrorist hijackers.

The pilots support this amendment. The Bob Smith/Conrad Burns amendment had the endorsement of the Airline Pilots Association and the Allied Pilots Association. In addition, The National Rifle Association and Gun Owners of America supported the amendment. And most importantly the American people supported our efforts.

According to a draft provided to myself, section 125 of this conference report, titled flight deck security provides that the pilot of a passenger aircraft is authorized to carry a firearm if four conditions are met.

First, “the Undersecretary of Transportation for Transportation Security approves.”

The will of the Congress is clear that the Department of Transportation should approve a reasonable program to arm pilots.

Second, “the air carrier approves.” The air carriers should not use this provision as a veto to prevent properly trained pilots from using firearms to protect themselves and the aircraft from terrorism, that would be a mistake and would adversely affect air safety.

Third, “the firearm is approved by the Under Secretary.” It should be clear from this language that the Under Secretary of Transportation should approve a firearm, not a stun gun, not a taser, a firearm with approved ammunition that would not compromise the integrity of the aircraft.

The final provision of this section provides that “the pilot has received proper training for the use of the firearm, as determined by the Secretary.”

The Smith/Burns amendment provided that the agency “shall establish a voluntary program to train” and “make available appropriate training” for pilots.

I hope the Department of Transportation will utilize the many private organizations that provide excellent training in the proper use of a firearm.

My home State of New Hampshire has the Manchester International Airport and I know the passengers and pilots of New Hampshire are listening to this debate today.

On September 27, 2001, I met with New Hampshire pilots from United Airlines, Northwest Airlines, American Airlines, and Continental Airlines. Those pilots reinforced my belief that a firearm is appropriate to protect a commercial aircraft from terrorism. Airline pilots are crying out for guns to protect themselves, the plane and the passengers.

The Department of Transportation and the air carriers must be reasonable about this new law or Congress will speak again on the issue of armed pilots.

This legislation is a good first step and it is my hope and desire that the Department of Transportation will work with the air carriers to provide pilots with training to possess a firearm in the cockpit of commercial aircraft.

Please remember that we arm our Capitol Police with firearms, we arm our FBI and DEA with firearms, we arm our Air Marshals with firearms.

We also need to arm our commercial pilots with firearms. Armed pilots are a first line of deterrence and the last line of defense against terrorist hijackers.

We trust our commercial pilots to fly commercial aircraft, please give our pilots the tools to protect the cockpit of these aircraft from any future act of terrorism.

Mr. BAUCUS. Madam President, I rise today to address an issue of the utmost importance. While I am deeply committed to increased safety and security at our Nation's airports and on airplanes, I am greatly concerned about how that security is paid for in this bill.

While I commend Senators HOLLINGS and MCCAIN for this much-awaited, much-needed piece of legislation, I disapprove of putting the burden of this increased security on the passenger.

It's critical to our Nation's economy that we restore the flying public's confidence in the safety of the aviation system. We need to get more planes in the air and we need to make sure they're full. Legislation that improves and expands security at our airports and on planes is essential to getting citizens back in the air.

As chairman of the Senate Finance Committee I am deeply concerned about restoring our underwhelmed economy. And securing our flying public is a giant step closer to securing our economy.

As important as that is, I am very unhappy to say that this otherwise excellent security bill as a ticket tax levied on airline passengers. A new tax.

I don't believe that this is the time to raise taxes. Consumers need tax relief—not more taxes. We're trying to pass an economic stimulus bill. I note that we don't raise taxes in that bill, we give folks tax relief. We're taking one step forward and two steps back in this Congress.

I enthusiastically supported the airline relief package Congress passed several weeks ago. We needed to assist the airlines for the good of our traveling public and the good of our economy.

But relief to the airlines won't do anyone any good, if they don't have passengers to fly in their planes. Raising ticket prices surely won't help get people to fly.

In my State of Montana, people believe they pay enough to fly around the country. Since we are relieving the airlines of the security responsibilities, if makes perfect sense that the \$2.50 per passenger user fee be assessed to the airlines, not the passengers.

I'd like to close by once again voicing my concern about how we pay for this much-needed security bill. We need increased security in our aviation system. That is clear. What we don't need is increased costs for our flying public.

Mrs. BOXER. Madam President, I am pleased that Congress has finally acted on this extremely important issue.

Even if the terrible plane crash earlier this week wasn't necessarily terrorism, everyone in Congress had to feel in the pit of their stomachs that tomorrow it could be a bomb. Congress needed to act to ensure the American public that our Nation's aviation security system will be the best it can be or Americans will not fly.

On September 11, our Nation's aviation system was transformed into a terrorist weapon. The United States was caught off-guard. Sadly, with aviation security, we should not have been. That is why we needed to pass this legislation.

All four planes hijacked were headed for my State of California. Consequently, many Californians who were simply trying to make their way home lost their lives in these attacks.

That is why I am particularly pleased that this legislation will ensure that all high risk flights will have air marshals aboard them. And, the Secretary of Transportation is to give priority to long-distance flights—such as those targeted on September 11. That is extremely important for Californians.

I am also pleased that this legislation will allow airports to be reimbursed and to use grant funds to pay for security costs. Our airports have been hit hard to meet new Federal security standards. For example, between September 11 and the end of October, Los Angeles International Airport spent \$15.3 million on increased security costs. The funds in this bill will allow our airports to continue to operate our aviation infrastructure while providing the highest levels of security.

This bill also makes a significant improvement in passenger screeners. Federal law enforcement personnel will conduct passenger screening, instead of private low-paid workers. We could not allow the same companies to continue to be in charge of passenger screening.

This bill makes great strides forward in making our skies more secure and ensuring that the events of September 11 never happen again.

Mr. LIEBERMAN. Mr. President, I would like to take this opportunity to elaborate upon the air travel security compromise reached yesterday by Congress—particularly the provisions in the bill that incorporate the amendment authored by Senator DURBIN and myself.

Consistent with the recommendations we made, the bill calls for the individual named to the newly established position of Under Secretary of Transportation for Security to, within 6 months, review and determine which immediately available new technologies can be used to more effectively restrict access to sensitive areas of our airports, including the tarmac, maintenance facilities, baggage handling centers and catering facilities. Such technologies may include biometrics, card or keypad-based access systems, and increased monitoring of emergency exit systems. The Under Secretary is directed to outline a strategy for deploying these technologies within 12 months at all major airports.

The bill strengthens our recommendation to ensure that all checked baggage is screened for explosives by requiring that, within 60 days, all bags be either checked or matched to a boarded passenger and that, by the

end of 2002, airports deploy equipment to detect explosives in all checked baggage.

To meet new and unprecedented threats without delay, we must as a nation harness the power of innovation to improve transportation security. That's why I was also pleased to see included in the compromise our recommended authorization of \$50 million in each of the next 5 years for the public and private sectors to accelerate development and testing of new aviation security technologies—including faster, better, and cheaper passenger and baggage screening equipment; systems capable of detecting components of weapons of mass destruction; systems for screening catering and cargo items; advances in training of security personnel; and new methods of "hardening" the aircraft in the event of an in-flight explosion.

As called for by Senator DURBIN and myself, the compromise also includes \$20 million for longer term research into state-of-the-art weapons detection systems, advanced biometrics, secure networking for sharing of threat information, and other groundbreaking technologies to prevent acts of terrorism in aviation.

I am also pleased to see included in the final bill my provision requiring criminal background checks of all currently employed airport security personnel. Given recent breaches of security and growing anxiety about the baggage screening process, Americans deserve every reassurance that screeners will be reliable and trustworthy.

I hope these measures and others begin to make the urgent and immediate improvements necessary to secure our skies for the American traveling public. With the holidays coming and the economy moving toward recession, this legislation could not come at a better time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, we are trying to get the bill over to the House as promptly as we can. I am prepared to yield back our time, if the Senator from Texas as well is willing.

Mrs. HUTCHISON. Madam President, our side yields back all time.

Mr. HOLLINGS. I yield back our time.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. HOLLINGS. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. HOLLINGS. I thank the staff and the distinguished Chair and wish all a happy Thanksgiving.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate

now proceed to a period of morning business, with Senators permitted to speak therein for a period not to exceed 10 minutes each.

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

The Senator from West Virginia.

FAST TRACK

Mr. BYRD. Mr. President, I stood in this place last Friday to warn Congress that we must not allow the administration to arrogate to itself the full authority to determine the trade policy of the United States, that we must not be asleep at the wheel as the one-sided trade jalopy goes rumbling down the fast track—the fast track. There we go again.

For what this Congress calls fast track, the administration uses the euphemistic term "trade promotion authority." Trade promotion authority—it certainly has an innocent enough sound. It is a sound that is rather sweet to the ears—trade promotion authority. But lift up the cover of this euphemistic term, lift the cover, just peep a little under it, and you will find the real villain: fast track, fast-track authority.

So last Friday I stood in my place here and said to Congress that we must not allow the administration to arrogate to itself the authority to determine the trade policy of the United States, that we must not be asleep at the wheel "as the one-sided trade jalopy" goes rumbling down the fast track. I was referring, of course, as I say, to the administration's request, its wolf in sheep's clothing request for special authority to negotiate trade agreements that would not be subject to normal rules of debate and amendment.

I was also referring to the penchants of Presidents, both Republican and Democrat, in these more recent years to offer our trading partners unilateral concessions in exchange for the mantle of global leadership. As Jackie Gleason used to say, "How sweet it is"—to wear the mantle of global leadership.

The news from Doha, Qatar, confirms my worst fears. According to the Wall Street Journal, our trade negotiator, Ambassador Robert Zoellick, "led the way in making extraordinary concessions to developing countries," including "agreeing to renegotiate America's anti-dumping laws."

I quote a little further from the Wall Street Journal news story.

U.S. Trade Rep. Robert Zoellick faced a stark choice when he arrived in Doha, Qatar, last week: He could win either fast-track negotiating authority from Congress or a new round of trade talks.

To get a World Trade Organization deal, Mr. Zoellick would have to make concessions to poor countries that would so infuriate Congress that lawmakers wouldn't grant fast-track authority. To get fast track, which would allow President Bush to negotiate trade deals that Congress could approve or reject, but not amend, he would have to

make concessions to liberal Democrats that would so anger poorer countries that they wouldn't open new trade talks.

On Monday, Mr. Zoellick announced his decision to a group of ministers and delegates at the convention center in Doha, where the WTO was meeting. The U.S., he said, would cede to their demands to allow negotiations on America's hated antidumping laws, which punish other countries that "dump" products on the U.S. market at below cost.

Before going to Qatar, Mr. Zoellick said he was fed up with Democrats' demands for more concessions on fast track. He pointed to his decision to allow a big steel trade case to go forward, which could temporarily shutter the U.S. market to some foreign steel. He said his fast-track proposal also addressed labor and environmental concerns of Democrats. "At some point, people are going to have to decide if they can take yes for an answer," Mr. Zoellick said.

Mr. President, I ask unanimous consent that the entire story from the Wall Street Journal of November 16 be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1).

Mr. BYRD. Mr. President, so you see Mr. Zoellick, according to the Wall Street Journal, "led the way in making extraordinary concessions to developing countries," including "agreeing to renegotiate America's anti-dumping laws." Among the big winners, according to the Journal, were foreign steel makers and big multinational manufacturers. The big losers? Guess. I will give you one guess. U.S. steel makers and auto makers are the big losers.

Our trading partners, who often protect their home markets by turning a blind eye to anticompetitive practices by their big manufacturers, hypocritically call our trade laws "protectionist," and they find allies here in the United States among those who claim for themselves the banner of "free trade." Let us be clear: the American people demand that the fruits of their labor be able to compete without fear of foreign predation. They want trade that is both free and fair.

Let us also clear away—once and for all—the cant about "protectionism." Our antidumping law is based on a very simple requirement for foreign manufacturers. What is it? Do not injure producers in our market by selling below cost or charging less here than you charge in your home market. The plain fact is that foreign producers of certain products, such as steel and autos and lumber, dump in America year after year after year, and put all of their efforts into weakening our antidumping laws. Their home governments, whose markets are much less open than ours, work fist-in-glove with these predators.

Our countervailing duty law, which the Administration has also placed on the negotiating table, is no more protectionist than our antidumping law. The law is based on a very simple requirement for foreign governments: Do not seek trade advantages by subsidizing the production of merchandise

that your companies sell in the United States. Hands off. If you do, we will apply an offsetting tax to the unfairly traded goods that come into our country.

Why should we permit our trade laws to be eviscerated by foreign interests? What possible rationale could there be for putting our antidumping and countervailing duty laws on the negotiating table? Is it to further distort competition to the disadvantage of U.S. producers?

Let me give you an example of what passes for a so-called "legitimate" trade dispute in the eyes of many of our trading partners. In many countries, government-owned steel companies have been the beneficiaries of massive subsidization over a period of decades. Without these subsidies, the steel companies would simply not exist in those countries. They would be gone with the wind. After pouring billions of dollars into a government-owned company, the foreign government then sells it off for pennies on the dollar—pennies on the dollar, or pennies from heaven. The newly privatized company, which wants to sell its subsidized overcapacity in the United States, then has the audacity to claim a "privatization exemption" from U.S. countervailing duties. Mind you, there is nothing in any agreement to which we are a party that gives privatized companies such an exemption. Nevertheless, under current international rules, the United States must fight like the dickens to apply countervailing duties in these situations. What will happen after we put our trade laws on the negotiating table?

In short, the United States must not capitulate, Mr. President, to these foreign predators. More to the point, Congress—the body which is closest to the people—must not cede its authority over foreign commerce to the Chief Executive.

The Framers of the Constitution did not cede that authority to the Executive, no. Article I, section 8 of the Constitution grants Congress the exclusive authority over such matters.

Let's take a look at article I, section 8, of the Constitution, which I hold in my hand. What does it say? Section 8:

The Congress shall have Power—

It does not say the executive branch; it does not say the President of the United States; it does not say that vaunted title: The Commander in Chief—

The Constitution says:

The Congress shall have Power . . . To regulate Commerce with foreign Nations—

Aha, there it is. There it is in black and white. Read it and run.

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes. . . .

Well, you say, Congress can delegate certain authority. Well, that is true. But can it delegate the authority given to the Congress by the Constitution to

debate and amend? And that is what we do. That is what we do when we support something like fast track.

So, Mr. President, the Constitution is what I have just read.

Let the Constitution, our Nation's shining glory, be our guiding light. Let us demand that our trade negotiators take a strong stand for American jobs and American values. All countries benefit from international trade, and all countries must share in the costs of constructing the framework of that trade.

Now, as I have said many times on this floor—I ought not have to repeat it—I am not suggesting that Congress get involved in the minutiae of international trade agreements. I am not suggesting that we inject ourselves into each little teensy-weensy, itty-bitsy tariff determination. Our trade laws, however, are not minutiae. They represent the sole hope for companies that are being picked apart by vulturous foreign trading practices.

Communities across America, all across the land—the East, the West, the North, and the South—are waiting to see whether we are strong enough to stand up for their interests—their interests—the people's interests.

They are waiting to see whether the United States will once more be duped by those whose unabashed—unabashed—motive is to gut the framework of fair trade. If we stand by the Constitution—if we stand by the Constitution—that magnificently balanced instrument of the people, by the people, and for the people, we will not fail our constituents. As well, we will herald a trade policy for the new millennium, a trade policy according to which we do not sacrifice hard-working Americans at the altar, at the altar, at the "Golden Calf," if you please, of nebulous foreign policy objectives, a trade policy that is based on the pursuit of mutual benefit among sovereign nations.

Now, Mr. President, that is not protectionism. If it is, then I am for it. That is not protectionism. It is a policy based on the traditional principles of national sovereignty as well as the absolute respect of each law-abiding nation for every other such nation. It is a policy the American people expect, and it is one that we—the elected representatives of the people—have a constitutional duty to uphold.

May God bless America. But in doing so, may God bless the Constitution of this Republic. Thank God for that Constitution. I hope the administration will read it over the Thanksgiving holiday. It might be well if we ourselves all read it again.

Mr. President, I yield the floor.

EXHIBIT I

[From the Wall Street Journal, Nov. 16, 2001]

POLITICS & POLICY

ZOELLICK'S TRADE CONCESSION WINS WTO TALKS BUT COULD COST BUSH FAST-TRACK AUTHORITY

(By Helene Cooper and Shailagh Murray)

WASHINGTON.—U.S. Trade Rep. Robert Zoellick faced a stark choice when he arrived in Doha, Qatar, last week: He could win

either fast-track negotiating authority from Congress or a new round of trade talks.

To get a world Trade Organization deal, Mr. Zoellick, would have to make concessions to poor countries that would so infuriate Congress that lawmakers wouldn't grant fast-track authority. To get fast track, which would allow President Bush to negotiate trade deals that Congress could approve or reject, but not amend, he would have to make concessions to liberal Democrats that would so anger poorer countries that they wouldn't open new trade talks.

On Monday, Mr. Zoellick announced his decision to a group of ministers and delegates at the convention center in Doha, where the WTO was meeting. The U.S., he said, would cede to their demands to allow negotiations on America's hated antidumping laws, which punish other countries that "dump" products on the U.S. market at below cost.

Bill Klinefelter, the United Steelworkers of America representative who sent to Doha to keep Mr. Zoellick from negotiating on U.S. antidumping laws, was furious. Mr. Zoellick, he said, could "kiss fast track goodbye. He's never getting it now."

The irony is that without fast track, Mr. Zoellick won't be able to conclude the trade talks launched at the WTO meeting. Trade envoys hope to wrap up the talks in three years, though few really believe they will finish that early.

Thursday, lawmakers were still digesting the details of the Doha agreement. Republicans praised it and said they still plan to try to get fast track. House Speaker Dennis Hastert (R., Ill.) said he still hopes to bring fast-track authority to a vote the week after Thanksgiving. But there is little chance of passage without some support from moderate Democrats—and few were cheering.

Mr. Zoellick's fast-track proposal "was not tenable before Doha, and it's even less tenable after Doha," said Rep. Sander Levin, (D., Mich.) the only lawmaker who attended the WTO meeting.

House Minority Leader Richard Gephardt (D., Mo.) told reporters Mr. Zoellick's concessions were "negative in terms of getting agreement on" fast track. "They put on the table for negotiation our antidumping laws," he said. "We are in the middle of a steel crisis now in terms of losing sales and losing capacity in our steel system."

The U.S. steel industry is one of the biggest beneficiaries of antidumping laws, so lawmakers from steel states don't want to see those laws weakened. Mr. Zoellick's decision "is a stunning betrayal of America's workers," said Rep. Peter Visclosky (D., Ind.) vice chairman of the Congressional Steel Caucus. "Putting our trade laws on the table flies in the face of fair trade and totally disregards the expressed will of Congress that our trade laws not be negotiated away."

Before going to Qatar, Mr. Zoellick said he was fed up with Democrats' demands for more concessions on fast track. He pointed to his decision to allow a big steel trade case to go forward, which could temporarily shutter the U.S. market to some foreign steel. He said his fast-track proposal also addressed labor and environmental concerns of Democrats. "At some point, people are going to have to decide if they can take yes for an answer," Mr. Zoellick said.

Some moderate Democrats defended Mr. Zoellick's concessions on steel and said they still hope to salvage fast track. "The challenge is making sure everyone understands the provisions," said Rep. Calvin Dooley (D., Calif.).

In Doha, Mr. Zoellick steadfastly protected America's textile industry. He repeatedly turned down demands from India and Pakistan that the U.S. import more clothing.

That decision was looking almost fortuitous, but it clearly won't be enough to bring about converts on fast track: Burlington Industries Inc., Greensboro, N.C., filed for Chapter 11 bankruptcy protection and blamed it on cheap imports. Burlington Chief Executive George W. Henderson specifically cited the U.S. government as a culprit, saying it used the textile industry as a bargaining chip in international relations.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AVIATION SECURITY ACT CONFERENCE REPORT

Mr. BYRD. Mr. President, the Senate earlier today approved a conference report that will increase security substantially at our Nation's airports. And this is a good step—a good step—toward restoring the American people's confidence in their own safety. And it is a good step forward in rejuvenating our economy, the American economy.

This is very fine legislation. But I wish to remind ourselves that a few days ago we had a golden opportunity to enact other very fine legislation that would go far in rejuvenating the hope, the faith, and the confidence in the minds of the American people that the Government was looking out for their security, for their welfare. And I refer to that amendment which Senator HARRY REID, the distinguished Democratic whip in this body, and the distinguished majority leader, Mr. DASCHLE, and Senator HOLLINGS, and other Senators and I offered, to guarantee, to a much greater extent than I have to explain today, the defense of our homeland, homeland defense.

That legislation was rejected by the minority in this body. So while we congratulate ourselves—and rightly so—on enacting legislation dealing with safety at our airports, safety to the travelers on airplanes, that does not bring an end to the threat of bioterrorism.

The legislation we passed today will not provide for smallpox vaccines and anthrax antibiotics. My amendment a few days ago, the homeland defense amendment to the so-called stimulus bill, would provide for smallpox vaccine, would provide money, \$4 billion, to end the threat of bioterrorism.

Our Republican friends rejected it. I hear that some of the House conferees don't want to have any conferences over there in which the majority leader, Senator DASCHLE, or Senator ROBERT BYRD are in attendance. They don't want to hold any conferences, I hear. I read that in the paper, that certain Members of the other body have said: We don't want Senator DASCHLE and Senator ROBERT BYRD to be in the room when we are talking about homeland defense.

Will this legislation provide for smallpox vaccine and anthrax antibiotics? No. But our legislation which we offered the other day would have. It was turned down. The Republicans said: No, no, no.

The bill we passed today doesn't improve the training of our doctors and nurses, but that \$15 billion homeland defense amendment would have improved the training of our doctors and nurses, would have expanded the capacity of local hospitals and medical labs.

The legislation we passed today is good legislation, but it leaves much work to be done. Of course, nobody ever told us that that legislation was the alpha and the omega, the beginning and the end, of homeland security legislation. I am not making that charge. But I am talking about some other homeland security provisions that were in the amendment which I offered at the time Mr. MAX BAUCUS, the Senator from Montana, was offering his tax legislation.

Does the legislation we passed today provide counterterrorism training for our local police and fire departments? Does it give them access to new resources and equipment so that they are prepared to respond to possible future terrorist attacks? Does it tighten security at our borders and at our shipping ports? Does it provide for better protection of our food supply against possible biological attack? Sadly, the answer to these questions is a resounding no, no, no.

We in Congress have a responsibility to provide for the common defense. That is what the preamble to the Constitution mentions, among other things: Provide for the common defense. We have a responsibility to provide resources to prevent future potential terrorist attacks and to ensure rapid response should another attack, God forbid, occur. We have a job to do.

While we are at home on Thanksgiving Day, we should give thanks for our many blessings, but we should also be thinking about the job that is still left undone. We have work to do.

To date we have been unable to do that job because of partisan gridlock. What a sad commentary on the Senate. What a sad commentary on the Congress. When we return from the Thanksgiving break, we will refocus. We will be back, Lord willing. We will be back. We will refocus on homeland security, homeland defense. I hope we can make the same kind of rapid bipartisan progress to improve our defenses here at home as we have achieved today in airport security.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

WOMEN IN AFGHANISTAN

Mr. REID. Mr. President, this week we have watched on television the images of women in various places in Afghanistan, in cities, towns, running into the streets without male relatives and throwing away their burqas. I was here a week ago talking about how women were treated in Afghanistan. I brought with me the eyeshade they must wear, which is netting they can barely see out of and people can see nothing beyond. All over Afghanistan, women can wear these if they want, but they are not required.

A week ago, women would have been beaten publicly, or even executed, for these acts. Under the Taliban's rule, women could not work outside the home, receive an education, or even leave their home unless accompanied by a close male relative—brother, father, or husband.

The defeat of the Taliban means that Afghan women are now free from the Taliban's brutal rule. As we begin the peace process and reconstruction of the Afghan Government, we cannot forget about the women who, in spite of the Taliban's harsh edicts, risked their lives to run home schools and health clinics. That is just not a matter of a few words. They actually risked their lives by taking care of sick people and teaching kids how to read.

We have to remember that, prior to the Taliban's rule, Afghan women were scientists, professors, Members of Parliament, and university professors. They led corporations and nonprofit organizations. In fact, women were 70 percent of the nation's schoolteachers, 40 percent of the doctors, 50 percent of the civilian government workers, and 50 percent of the college students in Kabul.

These women must play a role in the rebuilding of post-Taliban Afghanistan. In particular, the education system must be rebuilt with the help of the women, who once comprised the majority of the nation's teachers. I hope that we, at the first opportunity, move in an army of Peace Corps workers. They will teach people English and how to read generally.

I hope the United Nations will focus on the problems of education in Afghanistan. We have to direct our humanitarian aid to the specific needs of the Afghan women and girls who suffered major setback after major setback as a result of this tyrannical rule. For example, over 90 percent of Afghan girls are illiterate. Rebuilding the country's educational system is the only way to repair the damage Afghan women and girls have suffered at the hands of the Taliban. Women will be key to this event.

We also cannot let misconceptions about a very good religion, Islam, guide our efforts in the reshaping of a post-Taliban Afghanistan. Nowhere does the religion say women cannot be educated or employed. In fact, the president of the world's largest Islamic organization in Indonesia is a woman.

As I said, 70 percent of Afghanistan's teachers were women prior to the Taliban regime. Afghanistan first adopted a constitution in 1964 that included universal suffrage, equal rights for women, and separation of powers with an independent judiciary. Afghan women were members of the judiciary, Parliament, and Cabinet, and 30 percent of Afghan's civil service workers were women.

If we are truly committed to restoring the human rights of the Afghan people, and we are, then we must be truly committed to restoring the rights of Afghan women because then women will be given from the start a seat at the table of the peace process and the establishment of the future Government of Afghanistan. Only then will we be truly able to secure the rights of the Afghan women.

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

The PRESIDING OFFICER (Mr. CARPER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF CONGRESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the adjournment resolution S. Con. Res. 85 submitted earlier today by Senator DASCHLE; that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. The matter is privileged. The concurrent resolution is agreed to.

The concurrent resolution (S. Con. Res. 85) was agreed to, as follows:

S. CON. RES. 85

Resolved by the Senate (the House of Representatives concurring). That when the House adjourns on the legislative day of Friday, November 16, 2001, Saturday, November 17, 2001, Monday, November 19, 2001, or Tuesday, November 20, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, November 27, 2001, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Friday, November 16, 2001, or Saturday, November 17, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, November 27, 2001, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the

Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

Mr. REED. 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 the order for the quorum call be dispensed with.

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

THE FARM BILL

Mr. DORGAN. Mr. President, before we adjourn for the week, I want to comment about the Agriculture Committee's action yesterday here in the Senate. I'm very pleased that they passed the farm bill out of the committee, which will, I hope very soon, come to the floor of the Senate. I want to make a few comments about it, about the importance of it to family farmers.

We deal with a lot of issues in the Senate. I know everyone has a favorite issue or a most important issue from their State or from their perspective. I come from a farm State. The subject of family farming is very important to me.

I know some say: But the family farm in America is largely gone. In any event, the notion of family farms is just old nostalgia. It is not relevant to today. Today we need big, mechanized corporate agri-factories. The family farm is like the little old diner that got left behind when the interstate came through. It is kind of nice to look back at what it was and think about it, but it is really not relevant in today's terms.

Those who believe that are just dead wrong. Family farming remains a critically important part of this country's economy.

Will Rogers said, many years ago:

You know, if one day all the lawyers and accountants in America failed to show up for work, it really wouldn't mean very much. But if one day all the cows in the United States failed to show up to get milked, now that would be a problem.

He was in his own, simple, interesting way describing the importance of agriculture. It is the case, it seems to me, that our country has been blessed by not being hungry as a nation. We have had some pockets of hunger to be sure, but we have not been hungry as a nation for many decades. So we forget from time to time the contribution made by family farms.

I think most people in a highly urban setting just think of butter as coming from a little box that you pick up at the grocery store. Cereal? Why that comes from a box as well. Pasta? That comes from a box with a cellophane window so you can see the size of the pasta you are buying. But, in fact, it all comes from a field somewhere, a

barn somewhere. It comes from the sweat of the brow of a family farmer, often a man and woman who decided to latch their dreams to running a family farm, to being independent, and to producing from the land.

It is true they have had a pretty difficult time in recent years. I have had calls from farmers over the years, especially in recent years. A woman called me. She said: My husband and I got married shortly after high school, and for 18 years we have run a dairy farm. We milk 80 cows, milk them every morning and every night. If you know anything about milking cows it is a tough job.

She began to weep on the phone as she described the financial hardship they were facing and the fact they were going to have to sell their farm because they couldn't make their payments because the price of milk had collapsed.

She said: It's not our fault. We don't go to town on Saturday night. We don't spend money in a way that is extravagant. When my children say they need a new pair of jeans for school, I have to say we have to wait because we don't have the money to buy jeans right now.

She said: The fact is, we have done everything we possibly can. We have worked as hard as we can to make this dream come true and we are losing our farm. And through tears she described the death of this dream that she and her husband had.

That is happening across our country these days as the price of commodities collapse and families, one by one, confront this terrible dilemma. One fellow wrote to me and he said he was sitting at his dinner table at 1:30 in the morning. He said: I am writing this letter to you at 1:30 in the morning, telling you about where I live and where I farm. It is spooky quiet around here. Most of my neighbors are gone. They left family farming because they couldn't make it. I go to town, a small town, and the Main Street is spooky quiet. There aren't any vehicles on Main Street anymore.

He described in a passionate way his belief about wanting to pursue his dream, of continuing to farm the land and raise America's food, but not being able to when the price of their commodities is below the cost of production when they take them to the elevator.

We have passed a farm bill through the Agriculture Committee and we need to get it to the floor of the Senate. We need to get it to the President and he needs to sign it. Why? Because we need a farm bill that says to family farmers: During tough times, when you run into price valleys, we have a bridge that takes you across those price valleys. Why? Because this country believes you are an important part of our economy and because we believe both economic and national security rests on our having a network of people who produce our food across this country.

It is true that we could probably have a country without family farmers

and giant agrifactories would produce our food. From California to Maine, the largest agrifactories in our country would produce food. They would milk 3,500 cows three times a day, as some dairy operations do in California. They would drive tractors in one direction until they are out of gas and then gas up and drive back. We all understand about giant agrifactories. It is just that family farms produce more than just food, and that is what people forget. The agrifactories produce just food. Family farms produce communities. They produce a culture. They produce family values. Those family values move from the family farm to small towns to big cities, nourishing and refreshing family values in America. It has always been the case, and it is not old-fashioned to think that should be part of our future as well.

How do we make that a part of our future? We as a Congress and we as a country say to family farmers: You matter. You are an important part of our future. We are going to pass farm legislation that reflects the urgency, reflects our desire to address this problem of collapsed prices, this problem of tough times for America's economic All Stars. We produce the best quality food for the lowest percent of disposable income of anyone in the world. In the spring, family farms in North Dakota or elsewhere in the Farm Belt, they borrow money to buy the seed, the fuel and the fertilizer; fix up the tractor; and then plow the ground and plant the seed. Then they hope, hope above hope, that it won't hail, that it will rain enough, that it won't rain too much, that the bugs won't come, or disease won't hit. Finally in the fall, they grease up the combine and go out and take that crop off the field, put it in the back of a 2-ton truck and haul it to the country elevator. After all this, if everything falls into place and works, they are told by the grain trader: By the way, that food you have produced doesn't have value. And that family farmer scratches his or her head and says: Doesn't have value? A half billion people go to bed at night with an ache in their belly and the food we produce in such great abundance has no value?

The farmer is told what they do is not valuable to this country. And the farmer wonders—in a country where the saying goes, two-thirds of the people are on a diet and a substantial portion of the world is hungry, and those who are producing America's food are told that their food has no value—farmers rightly wonder whether there is a connection missing someplace, whether there are some wires hooked up wrong.

Clearly, if you look at this world and evaluate what this world needs to produce peace and stability, and to help people live a better life, the first item would be to say we need to alleviate hunger.

Just as a note, One of my friends many years ago was a singer named

Harry Chapin. Harry was a wonderful man. When I announced I was going to run for Congress, he flew to North Dakota and did a concert; wouldn't even allow me to pay for his airline ticket. He showed up, borrowed a Martin guitar from the local music store, and did a 3-hour concert to 2,400 people who filled the Chester Fritz Auditorium in Grand Forks, ND. What a wonderful guy he was.

The reason I talk about Harry Chapin is that he donated one-half of the proceeds of his concerts every year to fight world hunger. He used to say that hunger is not headlines. It just isn't, because people die every single day. Every single day, 45,000 children die from hunger and hunger-related causes around the world, and you won't read a thing about it in tomorrow's paper. He said if 45,000 people died in New Jersey tomorrow from one terrible calamity or another, it would be headlines. But every day, the winds of hunger sweep across this globe, and children die, people die, and somehow it is not headlines.

Then our farmers in North Dakota go to the elevator with a load of grain that they prayed they would be able to raise against all the odds to be told that grain has no value, that food has no value. They have a right to wonder whether the wires are not connected somewhere with respect to our priorities.

In the midst of all that background, we wrote a farm bill. This Congress wrote a farm bill a while back called Freedom to Farm. It should have been titled "freedom to fail." It was a terrible piece of legislation. It didn't work.

We have done an emergency bill every year to try to fill the vacuum that was created by this piece of legislation that didn't work, and this law has one more year to go.

Next year, the Freedom to Farm bill expires. We believe that this is the time to write a bill so that when farmers go into the field next year, they will know there is a better farm program.

Congressman COMBEST in the House, against the advice of the White House and the President, wrote a bill. They said: Don't do it this year. He said: It doesn't matter what anybody says; I am going to do it; it needs to be done. Good for him.

Senator HARKIN yesterday in the Agriculture Committee said we are going to write a bill. It was reported out of the Senate Agriculture Committee, and now our challenge is to bring it to the floor of the Senate immediately when we return. I understand there are some here talking about blocking it. As we know, it takes 60 votes to overcome those who want to block legislation. I think we can do that, if we must, but I hope they will not try to block it.

We have a responsibility. In my judgment, we ought to write this farm bill this year. Even if you do not care much about family farmers—I can't conceive

of people who do not—you ought to care about food security in this country.

How do you best provide food security in America? You do that by having a broad network of dispersed producers producing America's food. If you are concerned about bioterrorism harming America's food supply, you should be concerned about feedlots with 200,000 animals run by the big agrifactories. In contrast, widely dispersed family farms that dot the Nation and which represent the network of producers across the prairie, they are much less at risk, when it comes to bioterrorism.

If this country wants to do something for its economic future, for economic recovery, for food security, for national security, then it ought to decide it will stand up for family farmers and pass a decent farm bill.

Let me make a comment about the legislation that passed the House and the Senate Agriculture Committee. That legislation is not perfect. It is not what I would write were I to write it myself. However, it is better than the than Freedom to Farm. Each hurdle is a hurdle that we have to get past. We got past a hurdle yesterday by getting this out of the Senate Agriculture Committee. The next hurdle is to get it on the floor of the Senate.

I urge my Colleagues to bring this farm bill up as soon as we return from the Thanksgiving break. I hope to offer an amendment that will improve the safety net in this bill. I hope we pass this farm bill after some improvements on the floor. Then we can have a conference with the House, and then send the bill to the President.

We cannot fail in this job. We have a responsibility to pass a farm bill, and to do it now and do it right.

As I said, I know a lot of people have a lot of different interests. I come from a farm State. Yet I stand on the floor of the Senate and I say to people, I support Amtrak. I am a strong believer in Amtrak. Why? Because I think this country needs a rail passenger system. Amtrak comes to North Dakota, and it is important to us. But it is not the biggest issue in the world. To me, the national issue of having rail passenger service in this country is a very important issue. I support mass transit in the cities. We don't have mass transit in my home county. My home county has 3,000 people.

I support mass transit because, as a national matter, this country needs it. I hope my colleagues will understand as well that when I support those issues for the major urban centers of America, they will do themselves and this country a favor by supporting the rural interests which also contribute to America's security and which contribute to America's enterprise and economic health.

I thank the Senate Agriculture Committee, Senator HARKIN and others who led the way to get a bill out of that committee yesterday, and their staff who worked so hard to get this done.

Next week we will not be in session because of Thanksgiving. But the week following, it is the desire of Senator DASCHLE, myself and many others, including Senator HARKIN, that we will bring that bill to the floor of the Senate.

We very much want to put a farm bill on the President's desk and get that legislation signed. We want our farmers in this country to go into the fields next spring and plant next year's crops under a farm bill that has a better support level than the current bill, one that gives them the hope that if they do the right thing and things work well for them, they will be able to make a living on the family farm next year.

Mr. President, I see colleagues waiting to speak. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

FLU VACCINES

Mr. WYDEN. Mr. President, I come to the floor to talk about a program for vaccinating Americans, particularly as the country heads towards the season when many have the flu.

This is an area I have a great interest in since my days as director of the Oregon Gray Panthers. Obviously, older people are particularly vulnerable. This year, certainly there is going to be considerable focus on the flu vaccination program.

Given the new threats of bioterrorism that have been widely discussed, certainly many are going to be particularly interested in getting the flu vaccination. It is important that we reevaluate how flu vaccinations are provided in light of the unfortunate, significant new health concerns of many Americans.

Certainly the threat of bioterrorism has increased demand for flu shots. In my view, it has caused considerable confusion. In recent days, my office has canvassed State health departments and many senior citizens programs around the Nation. We have found that while no shortage currently exists, there are delays and certainly a substantial amount of misinformation about the various programs and services that are available for older people. There have also been problems with one manufacturer that may be exacerbating delays in getting vaccine doses out to the public.

Even more important, my sense is there isn't yet a clear, understandable system in place for ensuring that high-risk Americans, particularly the Nation's older people, are vaccinated early and first.

My sense is that more needs to be done in addition to prioritizing the concerns of high-risk, vulnerable Americans to put in place a better distribution system for getting out vaccines. There needs to be a better plan to make sure that there are processes in place, if there are problems or snafus of one manufacturer. It is extremely important that there be a uniform mes-

sage coming from all health officials with respect to the flu vaccine program.

For example, while CDC and others have told Americans to get vaccinated later, others in the health system have urged Americans to get vaccinated quickly against the flu because of the anthrax threat.

Since anthrax has been in the news so much, it is logical for people to think they should get vaccinated immediately. But because people cannot get their shot the day they want it or the day a clinic is scheduled, some people may think there is an immediate shortage.

On the basis of the survey we have just done of the State health departments and many senior citizen centers, it does not appear there is a shortage with respect to the vaccine. But there are delays. There are instances where mixed messages have been sent by public health officials. This has certainly contributed to the confusion that exists.

Under the leadership of Senator BREAU, the Senate Aging Committee has been looking into this issue. At Senator BREAU's request—and let me also state the ranking minority member, Senator CRAIG, on the Aging Committee has been considerably interested in this in the past as well—our Aging Committee held a hearing that I chaired to look at the flu vaccine program.

We have worked with Secretary Thompson. I think he has made a number of steps that are constructive and have moved the program in the right direction, but certainly there is more to do.

For example, our survey found that in Indiana they received about 10 percent of the order the counties have placed, but it will have 50 to 100 percent of their order in 4 to 6 weeks. And, obviously, if shipments don't arrive on time, don't arrive in line with the plans that the programs and the senior citizen centers are putting out to their members, there is going to be a great deal of confusion.

So as we move to this crunch time for vaccinations, health officials in this country still cannot tell us if all the high-risk patients are being vaccinated, or if there are plans to vaccinate them. I think we need to develop a better system, for example, to track seniors who are in these programs. Many are signed up, and there are others who should be vaccinated early. This can be done if the public health system wants to do it.

So around the country there are concerns. I mentioned Indiana. In the State of Oregon, one large provider of public health clinics has received only about 40 percent of their order.

In Michigan, health officials are concerned that by the time they get the rest of the order they need in December, the public will not come. Doses may actually have to be dumped. So there are a variety of concerns about the flu vaccine program.

Mr. President, I ask unanimous consent that an article in yesterday's Washington Post be printed in the RECORD.

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

[From the Washington Post, Nov. 15, 2001]

LONGER LINES FOR FLU SHOTS

INCREASE ATTRIBUTED IN PART TO ANXIETY ABOUT ANTHRAX
(By Leef Smith)

Regional health care providers are reporting a 20 to 30 percent increase in the number of people lining up at grocery stores and community clinics for flu shots, and attribute part of the surge to widespread anxiety about anthrax.

The early symptoms of inhalation anthrax—fever, cough and muscle pain—resemble those of the flu. As a result, doctors say, many people are getting vaccinated in hopes of staving off the flu and thus making anthrax easier to diagnose should it occur.

"We're seeing a lot of first-time flu shots," said Susan Randall, a registered nurse and clinical manager for Inova HealthSource, which is spearheading the Fight the Flu campaign in Northern Virginia and plans to administer 80,000 flu shots this season. The campaign plans to provide 50,000 shots in Maryland and the District. "If you ask people why they're getting the vaccination . . . some will say they're afraid of anthrax," she said.

But Randall said flu is serious enough on its own for people to consider being inoculated. "While it's tragic we've had four anthrax deaths, over 20,000 people die of the flu each year," she said. "People should take the flu seriously."

The federal Centers for Disease Control and Prevention has issued the same advice, noting on its Web site that numerous viruses cause flu-like symptoms. The site also discourages people from getting a flu shot simply to reduce concern about anthrax exposure.

"You should get a flu shot to avoid the flu, and the symptoms of the flu, not to avoid anthrax," said CDC spokesman Curtis Allen. "They're two different issues."

Flu seasons begins in November, with cases generally peaking in January and February.

Health care providers strive to vaccinate high-risk groups—people 65 and older, those with chronic medical conditions, medical workers and some pregnant women—by the end of October. But a delay this year in the delivery of flu vaccine from manufacturers—some of whom are upgrading their equipment to increase productivity—has hampered that effort.

CDC officials say there is more vaccine being manufactured this year than ever before—about 85 million doses—and insist that there will be enough to meet the rising demand.

A little more than half the supply was sent to distributors and health care organizations by the end of October, and another large batch is expected this month. The rest is due in December, although officials with the Food and Drug Administration, as well as the CDC, say the timetable could change.

Because of a supply delay, only about half of the 14,000 high-risk patients treated by Johns Hopkins Community Physicians, a coalition of 18 private medical practices, have received their vaccinations. The group had planned to vaccinate all of its at-risk patients by the end of October.

"We thought we were so smart," said physician Barbara Cook. "We put up posters telling people if you're 65 or older, come in and get your shots. We had to take them all

down because we ran out of vaccine almost immediately."

Likewise, the Fairfax County Health Department, which usually aims to begin its vaccination program for high-risk patients in early November, has received only 10 percent of the 5,800 doses of vaccine it ordered. While delays are not uncommon, officials said this year's has forced them to postpone many of their vaccination clinics.

"It would be our preference to immunize as early as possible, but without vaccine, we can't do that," said Rosalyn Foroobar, assistant director of patient care services for the Health Department. "Hopefully, we'll be able to provide [the shots] before the flu season really does hit. We'll get it. It's just late."

Even if everyone who wants a vaccination gets one, Randall of Inova HealthSource isn't sure that will be enough to prevent panic when flu season strikes in earnest.

"I think that underlying anxiety out there will cause people to wonder" about anthrax, she said. "Even if they've gotten a flu shot, I think our emergency rooms are going to be very, very busy."

Mr. WYDEN. Mr. President, I urge our colleagues to work with public health programs in their communities. I certainly intend to do that in Oregon, at home, during this high-risk season. I think it is possible to get clearer, more understandable messages out to the public about this program. I do think there needs to be a better system in place for making sure that high-risk persons, particularly older people, get these vaccines. I think we also need to take steps to make sure there are backup plans if there are problems with a manufacturer, both this winter and in the future.

Secretary Thompson has worked with us in a constructive way. Progress has been made. I certainly do not think there is a need for people to go out and panic. But I think there are steps that do still need to be taken so we do not have frustrated older people, health care providers, and others who want to take steps to protect their health and that of the American people.

Mr. President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

VICTIMS OF TERRORISM RELIEF ACT OF 2001

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 2884, and the Senate proceed to its immediate consideration.

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

The legislative clerk read as follows:

A bill (H.R. 2884) to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001.

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, as Members of the Senate proceed to

Thanksgiving Day celebrations with our families, there is little we can offer to the victims of September 11 but our prayers and our good hopes. But in this final act of the Senate, before we recess, perhaps there is something of this world we can do of some meaning for the children and the widows and the widowers who remain.

For these families, September 11 is the crisis that never ends. Even as the dead are buried and families reconstitute themselves, they are faced, every day, with the living reality of life without someone they loved—a father, a mother without a paycheck or savings or a financial future. They need our prayers. They need our support and our encouragement. But they also need our help.

I think H.R. 2884, as amended by the Senate Finance Committee, for this holiday, offers the hand of the American people to our neighbors. It very simply extends current American policy which waives Federal tax liability to the families of American soldiers or civilian employees of the U.S. Government who are killed in combat or in terrorist actions. This extension would now include American citizens whose family members were killed on September 11, 2001, in New York and Virginia.

First, liability for Federal income taxes will be waived for this year and last year. Any moneys previously paid will be refunded. This money is simply better used to pay mortgages and rents and to feed children than it is to be contributed, at this point, to the Federal Government.

Second, we are mindful that many people of moderate means were killed in the Pentagon and the World Trade Center who may not have paid Federal income taxes. They worked in the restaurants or they cleaned the buildings or they performed other valuable services. Their families may be in the most dire circumstances of all. They will no longer be liable for payroll taxes and will be refunded taxes previously paid.

Third, for those nonworking spouses and children who may have now been in a position to inherit the earnings of a father or a mother who is deceased, they, of course, receive that money knowing no more will be earned. Whatever money is inherited must carry them through a lifetime—to educate the children, house the family. There will be nothing else arriving. This legislation provides significant estate tax relief from all State estate taxes on assets of up to \$3 million and Federal estate taxes on assets of up to \$8.5 million.

Fourth, there are those who did not die on September 11 but whose physical wounds may be with them for a long time. Many are now eligible for disability benefits. Those benefits are theirs, all of them. No matter how long it takes for the scars to heal—the people to be able to walk or to see or to hear—the Federal Government should have no part of their disability funds. Taxes on them will be waived.

Fifth, and finally, through the extraordinary generosity of the American people, hundreds of millions of dollars have been raised from schoolchildren and families and neighbors, corporations, churches and synagogues and mosques. It has been a wonderful expression by the American people, revealing much about ourselves as we help those in desperate need. None of those payments from governments or charities or corporations should be taxed. By virtue of this legislation, taxes on all such payments will be waived.

This evening in New Jersey I will meet with hundreds of the widows and widowers of people who died in the terrorist attack. I know of no better expression by this Senate to those who have survived the loss of people they loved in the terrorist attack than to offer not merely words of sympathy or an expression of understanding that it was not those families who were attacked but America than for the representatives of America, assembled in this Chamber through this legislation, to express our solidarity with this simple act.

This is not all we will do. It is not even the beginning of what we should do. But it is something we can do.

Mr. BAUCUS. Mr. President, September 11, 2001, is a date that changed America forever. The Nation has endured a terrible tragedy. The human suffering is immense and our sense of invulnerability shattered. The terrorist strike on that date took the lives of thousands of U.S. civilians, and we will spend many months and years trying to come to grips with the magnitude of the day's attack on our freedom.

We have been left with searing images of a horror that could not be contained—acts of terrorism that unfolded before our eyes, gripping this Nation and the world in raw and vivid devastation, touching all of us with feelings expressed in public and in private; from panic to helplessness; helplessness to anger; and anger to loss.

Members of Congress have stood as one to condemn these attacks, comfort the victims and their families, and commit our full support to bring those responsible to justice. Our heartfelt thoughts and fervent prayers continue to go to those who have been lost.

Today we bring before the Senate a bill to help those victims and their families through some of the financial crises they will face as a result of the terrorist's actions.

Throughout our history, Congress has provided Federal tax relief to soldiers who die while serving in combat zones, and to service members and other individuals who have been affected by hostile actions outside of combat zones. But in the past, legislative relief bills have been limited in scope, because the actions they were intended to address were themselves limited.

The terrorist attack of September 11, 2001, changed our perception, as a na-

tion, of the nature of terrorist activity. Our Tax Code simply has no frame of reference for the unprecedented scope of destruction and the inconceivable loss of civilian life on American soil that resulted from the terrorist attacks.

The events of September 11 have been characterized by the President as an act of war, and in the hearts and minds of most Americans, those who died in the attack should be treated like American soldiers who pay the ultimate price on the field of battle.

Because of this, the House passed H.R. 2884, a bill which extends the benefits available to those who die in combat zones to all of the individual killed as a result of the September 11 attacks. It provides significant income tax and estate tax relief to the victims of the September 11 attacks.

The bill before you builds on the House legislation, because we acknowledge that the overwhelming loss of life in the September 11 action was civilian, and civilian victims tend to have different tax issues than soldiers.

This bill provides relief to all of the victims of the September 11 attacks—the brave firefighters who lost their lives trying to save those trapped in the destruction, employees who worked in the targeted buildings, tourists who were just visiting, as well as those on the airplanes converted into weapons by the terrorists. The bill also provides relief to the families of the victims of the post-September 11 anthrax attacks, and to those who died in the bombing of the Alfred P. Murrah Federal Building in Oklahoma City on April 19, 1995.

Under this legislation, all of the victims will have their Federal income tax liability, and any self-employment tax liability, forgiven for the year of their death and at least 1 previous year.

To achieve a measure of tax equity and recognize the different taxes paid by individuals, our bill also provides relief from payroll taxes that parallels the income tax relief.

In the case of the estate tax, our bill modernizes the application of the statute and creates a special formula that shields the first \$3 million in assets from both Federal and State estate taxes, and \$8.5 million in assets from Federal estate tax for 2001.

In the wake of the explosions, the Treasury Department quickly waived an extensive list of deadlines for those affected by the disaster.

However, the Department was unable to extend all Federal deadlines, in some cases because they had no clear authority and in others because of the need to coordinate with other agencies. Those other agencies have themselves been confronted with a lack of clear authority in waiving deadlines under their jurisdiction.

Our bill clarifies and expands upon the Government's ability to extend deadlines in case of any disaster, including the ability to waive interest for payments that are delayed.

There are also special exclusions for some types of death benefits in current law. For example, worker's compensation benefits and life insurance proceeds to beneficiaries are not taxed, nor are payments from a government retirement plan for a public safety officer killed in the line of duty. The first \$3,000 of death benefits paid to soldiers killed in combat are also not taxed.

Our bill expands this nontaxable list to include all death benefits paid on account of a death resulting from this terrorist action.

Current law also excludes disability benefits from income if they are made under workers compensation laws in certain limited circumstances. Our bill expands those eligible for the exclusion to include anyone injured in a terrorist attack.

The Senate bill before us also includes provisions making it clear that payments made by FEMA to individuals affected by any disaster are not subject to income tax.

In the wake of the attacks, a number of employers who had workers killed in the World Trade Centers, in the Pentagon, and in the airplanes used as weapons stepped up to the plate with generous offers of help to their lost colleagues' families.

Under current law, payments such as these would typically be taxed, which would reduce the amount of help going directly to the surviving families. Our bill exempts these payments from Federal income tax liability.

We are also aware that some financial institutions are considering forgiving outstanding credit card balances of those who died in the attacks. Our bill makes sure that any such debt forgiveness is not itself subject to tax.

To protect those victims' families who elect structured settlements in order to ensure they have a stream of payments for as long as they need them, our bill makes sure anyone acquiring these payment streams goes through a court process designed to protect the families.

And for those families who set up special disability trusts in the wake of the attacks, a personal exemption is provided.

The charitable community has also responded overwhelmingly to the needs of the victims and their survivors. For example, in my home State of Montana, members of the higher education community, including the University of Montana, have helped to establish the "September 11 College Fund."

The money donated to this fund will provide assistance, based on need, to cover higher education expenses for dependents and survivors of those lost at the institution of their choice. One hundred percent of the donated funds will go directly to the students—none of the principal will be used for administrative expenses.

The charitable community is playing an important role in helping our Nation recover from this tragedy. Our bill makes it easier for charitable organizations to make disaster relief payments to victims and their families.

Our bill also makes it easier for companies to establish private foundations to help the survivors with both short-term and long-term needs, such as scholarships for the victim's children.

In the days following this attack, as well as in the days following other natural disasters such as fires and floods, we have seen a great deal of confusion among our citizens about their responsibilities and benefits under the Tax Code.

For this reason, the Senate bill also requires the Internal Revenue Service to establish a permanent Disaster Response Team whose responsibility it will be to help taxpayers clarify and resolve Federal tax matters associated with any natural disaster or terroristic or military action.

In addition, the bill clarifies a provision in the recently enacted Air Transportation Safety and System Stabilization Act relating to the dates certain excise tax deposits are due.

I don't claim that this bill is perfect, I am sure there are specific tax situations that have arisen because of these attacks that we may not have addressed in this bill. If we took the time to identify and address all of them, we would never complete this legislation, so we believe the best course of action is to move forward with what we have, and continue to look for opportunities to provide more assistance in the future.

I also am well aware of the fact that no legislation passed by this Congress can ever truly compensate the victims of this horrible attack and their families for everything they have lost—the love, warmth and companionship of those who have died. Nor can we ever replace the feeling of security we once had as a nation. But we can help make the road to recovery for the families of these victims a little smoother with the provisions of this bill, and make it easier to respond to other disasters in the future.

This is a good piece of legislation, and it will help thousands of families facing an uncertain future. I urge my colleagues to support it.

Mr. TORRICELLI. Mr. President, I understand Senator BAUCUS has a substitute amendment at the desk. I ask unanimous consent that the amendment be agreed to, the act, as amended, be read the third time and passed, the amendment to the title be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

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

The amendment (No. 2163) was agreed to.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The bill (H.R. 2884), as amended, was read the third time and passed.

The title was amended so as to read: "An Act to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks

against the United States, and for other purposes."

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

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

THANKSGIVING

Mr. TORRICELLI. Mr. President, the Senate is in its final moments before the Thanksgiving recess. I am mindful that most Senators have left to be with their families and return to their States. All of us having now lived through one of the most extraordinary periods in the long and proud history of our country, I wanted, if only for my own purposes, to take a moment to reflect on the day, its meaning, and some things we all take to our homes that distinguish this year and this Thanksgiving from others.

I trust that we are all mindful as we travel to be with our families for Thanksgiving, traveling to each of the 50 States of the Union, that there are thousands of soldiers and sailors and airmen gathered in the hulls of ships, flying in aircraft, some huddled in trenches on the ground—all brave, all strong, but they would not be human if some were not afraid.

They are far from home at a time when all Americans want to be at home. They are in a strange land, often with people they do not know, at a time when Americans want to be with family and people they love.

I know all Americans will remember them in our prayers this Thanksgiving and be grateful not just to them but to the great good fortune of providence which with every generation, every time our Nation has been threatened for more than two centuries, has produced men and women of such extraordinary courage, so willing to sacrifice for our Nation and its freedom.

I do not know how America has been so fortunate through each succeeding generation to have produced such men and women, but I, as with all of my colleagues, have a gratitude that cannot be fully expressed.

I am reminded that President Lincoln, during another troubling period of our history, reminded us that as great armies were on the field of battle against each other, they prayed to the same God. Each invoked his name against the other. The prayers of each could not be answered.

Indeed, as our soldiers have prayed for their lives and their country and victory, so, too, have our adversaries. It is of no small comfort to know that the prayers of our soldiers and our citizens have to date been so fully answered.

Victory is not yet assured, but we have moved more swiftly, more cer-

tainly, and more skillfully than we most probably had a right to dream. In the most remote corner of this Earth, thousands of American soldiers, and sailors, and airmen descended within weeks of the tragedy of New York and Virginia. No place could have been more distant, no area of the globe more hostile, no cities, no towns, no country more remote than Afghanistan. Our own forces not only found their way but established themselves and with extraordinary ability, with skill and courage, mounted an offensive to hold those accountable who would strike our country and our Government and kill our citizens with wanton abandon, without any sense of decency.

I know the terrorists who struck America on September 11 intended to teach us a lesson. We have learned many lessons. They may not be what was intended, but the lessons are real and I hope they are lasting. We learned again the extraordinary strength of our Nation, measured not only in our military power or economic resilience but our faith, our belief in each other, our willingness to overcome obstacles and divisions for common purpose. It is this which has sustained us for 200 years.

There are moments of comfort and without challenge when we have probably wondered whether they were still alive with us. We don't need to be concerned anymore. Those qualities still live in America. We taught not only ourselves but the world a good deal about the goodness and kindness in America. Indeed, what other people in all of history would drop bombs on our adversaries by day and distribute food to their children and widows by night? What other country in all the annals of history would conquer an army but not conquer the land, meet our military objectives but state from the outset and commit our resources fully to leaving the people of that land in peace, with more prosperity and a greater freedom than they knew before?

These things we learned about ourselves and, perhaps, we reminded the world about the United States of America. We all hope they are lessons that, having been taught before, will never be forgotten. We have given up believing that there are any final wars. We are no longer naive enough to believe there are wars to end all wars. Every generation has its own challenges.

It was said by Jefferson that "eternal vigilance is the price of freedom." We have always known that freedom is not free. So now this generation, in this decade, has paid the price again, knowing it will be paid again in the future. But we have a hope that finally the world will remember, even if sometimes we forget, those essential elements about our country that seem to lead to our vulnerability; that because we are kind, people perceive us as sometimes being weak; because we are generous, people sometimes believe we lack resolve; because we have been prosperous, some believe we have lost the will or the ability to fight to defend ourselves.

History is littered with people who have made those miscalculations before. Now the Taliban and al-Qaeda are about to share their fate. The battle is not yet fully won, though victory, at least in this first battle of this new war against terrorism, has taken sufficient form that we can see the outlines of success.

Before this war on terrorism targets new adversaries, there will be the matter of how to bring to justice those who created these crimes, murdered our people, and attacked our Nation. President Bush has suggested a military tribunal that would hear the evidence and render justice. It is an important decision for our country. We have always, in dealing with criminal cases in our country, taken enormous pride in that the accused is afforded every right and assumed to have every innocence until convicted in full accord with our Constitution.

After declarations of war and military campaigns, in those instances when people have committed either atrocities against humanity or engaged in military hostilities outside of the conduct of the rules of war, they have been brought to justice; they have been tried by military justice.

Now we are engaged in a new kind of war. Our adversaries wear no uniforms. They may not belong to the army of any recognized state. Our country received no declaration of war, according to the articles of war of civilized nations. So the actions of President Bush in bringing the leaders of al-Qaeda, or the Taliban, to justice are precedent. But they need not be controversial. The Taliban and al-Qaeda may not have been in the family of nations, but the law is not blind. By their actions and their words, Bin Laden and the Taliban leadership declared war on the United States of America. The destruction of American civilian aircraft into our greatest cities and the offices of the U.S. Government and the taking of thousands of lives was an act of war, not a civilian crime.

It would have been no different had an aircraft with a foreign flag dropped a bomb on New York or Washington. The orders given would have been the same, the consequences identical, and should stand before the law on an equal basis. The leaders of the Taliban and al-Qaeda are entitled to military justice, to be heard before a military tribunal of either the U.S. military or the assembled military leadership of the allies in this endeavor. But they are not entitled to sit in a civilian court provided for American citizens under the Constitution of this country for the rights of our people and those who enter our shores.

The level of justice may not be the same in a military tribunal as in a civilian court, but it is justice. They can be heard as any other military adversary.

Before leaving on this Thanksgiving holiday, I wish to say how proud I have been of this Congress, my country, and

our Armed Forces. This is not what any of us wanted for the 21st century. We all believed that somehow only months ago as the 20th century came to a close, our time was going to be different.

Through all the ravages of the 20th century, the disappointment, the destruction, the genocide, finally men and women had come of age. We understood the foolishness of combat, the recklessness of armed struggle, the uselessness of combat. We had built institutions to resolve our international differences. While cultures, faiths, and languages might differ, there at least was emerging some common understanding of the principles of governance, justice, and self-respect.

It would appear that our enthusiasm for a new time was either misplaced or poorly timed. Not only do these opening years of the 21st century not appear to be an improvement on all we experienced in the 20th century, but they look remarkably similar to the 18th or 19th centuries.

All human progress is not forward. All nations do not advance at the same speed. All cultures have not learned history the same. Yet we are patient and hopeful. If anything characterizes the people of the United States, it is our boundless optimism. From this terrible experience, perhaps we can at least take this to salvage those many years still remaining in the 21st century to make our time different. In the destruction of al-Qaeda and the Taliban, a message will at least be received by those who would harbor terrorists or those who would collaborate in these actions: Our kindness is not weakness; our laws do not provide you opportunities to take advantage of our justice; we are strong, we are resolved, and we are determined to defend ourselves, our children, and our future, as every generation before us. We are a good and a great people, but we are a strong and determined people. We have our place in the future, our role in the world, and it will not be compromised. It will not be taken from us.

Much of this planet has decided upon some common norms of justice and conduct, to conduct ourselves in peace within institutions. All nations are welcome to join in them according to their own traditions, their own laws, and their own faiths, but the age when nations or organizations would be permitted to operate against all human experience and all rules of decency are over.

We have only perhaps begun to defeat one terrorist organization in one country, but surely the lessons from this experience are unmistakable and are heard on every corner of the globe.

That is my hope and my prayer for this Thanksgiving. Godspeed to every American soldier wherever he or she may be on this holiday. May you be home for Christmas; may we not have to call upon you again. But if we do, may you serve with the same distinction, courage, and valor that every

American has seen in your actions in these last few weeks.

THE OUTSTANDING SERVICE AND DEDICATION OF OUR MILITARY MEN AND WOMEN

Mr. CLELAND. Mr. President, I want to quickly discuss recent news that U.S. forces are engaged on the ground in Afghanistan. Though it isn't yet certain the details of this report, if this is a new assault in our war on terrorism or whether this is the continuation of our current operations, I would like to raise the attention of everyone to the outstanding service and dedication that our military men and women are showing in the war on terrorism. It is their sacrifice and selfless service that has taken the war on terrorism to the terrorists themselves. As we have seen since last week, our military is fully engaged and we are seeing the successes of their many missions. As I have always said, the backbone of our military is not technology or weapons, but the people. Our brave military men and women are waging this fight today and we need to remember them and their families in this difficult time.

COMMENDING THE MEN AND WOMEN WHO HAVE KEPT THE SENATE SAFE AND RUNNING IN A DIFFICULT MONTH

Mr. DASCHLE. Mr. President, yesterday marked 1 month since the letter containing anthrax was opened in my office. Being at "ground zero" in the largest bioterrorism attack ever on U.S. soil has been unsettling and frustrating for many of us. As our Nation prepares to celebrate Thanksgiving, though, there is much for which we in the Senate family have to be grateful.

On a personal note, I am deeply grateful that the members of my staff who were exposed to anthrax continue to be in good health and good spirits and they continue to come to work every day, inspiring our entire staff with their courage and dedication. I am grateful, as well, that the other members of our Senate family who were exposed also continue to be in good health. I am grateful to the doctors and scientists who have worked long hours to protect Americans from this threat, not just on Capitol Hill, but in Washington, Trenton, New York and even as far away as Kansas City.

I am particularly grateful to a special group of people who have kept the Senate safe and running during this unprecedented time. At the top of that list is Al Lenhardt, the Senate's Sergeant at Arms, and his staff. If there was ever a case of the right person, in the right job, at the right time, it is Al Lenhardt. On September 11, Al had been Sergeant at Arms for exactly 1 week. I don't believe he has taken a day off work since then. The first Saturday morning after the anthrax letter was opened, he was at work in the Capitol, surrounded by scientists and investigators. He had been at work until

late the night before. That morning, someone asked him: "If you had it to do all over again, do you think you'd still take this job?" Without a moment's hesitation, he replied: "Absolutely. To be in a position to serve your country—what better job could there be?"

Al Lenhardt is helped in that job by an equally dedicated staff. In addition to keeping us safe, for the last month, the men and women of the Sergeant at Arms Office have played an indispensable role in keeping the Senate running. Only once before—when the British burned the Capitol in 1814—have so many Senators been displaced from their offices. The staff of the Sergeant at Arms Office and the Rules Committee have been faced with a huge logistical challenge, and they have responded amazingly.

Senator DODD and the Rules Committee Staff Director, Kennie Gill, deserve special thanks for the amazing job they did relocating displaced Senate offices. Since October 18, Kennie, the Rules Committee staff and the Sergeant at Arms' Office have set up 129 temporary offices within the Capitol, in the Russell and Dirksen Buildings and at Postal Square. They re-established our computer network.

This one task alone involved dropping 650 new LAN lines, laying over a mile of copper cabling, and nearly half a mile of fiber cabling, creating 216 new network protocol addresses for temporary PC locations, opening 73 routers between Senate offices and creating a new Senate fiber network. In addition, Rules Committee and Sergeant at Arms staff attached 700 PCs and 110 printers to the Senate computer network. They have kept our telecommunications system up and running by connecting nearly 600 new telephone lines, 200 new voice mail boxes and 64 fax machines.

Members of the Rules Committee and Sergeant at Arms staffs, and the vendors who support them, have worked for weeks straight without a day off. They have worked nights and weekends, putting in thousands of hours of overtime. They have refused to allow the largest bioterrorism attack in our Nation's history to stop the work of the Senate, and for that we all owe them a debt of gratitude.

The 1,400 men and women of the Capitol Police force are also working a lot of overtime. Since September 11, they have all been putting in 12-hour days, 6 days a week. That is a minimum. Sometimes they pull double shifts. They work through colds, weekends, holidays, and their childrens' birthdays. They remain at their posts, alert.

If you had asked me a month ago whether the Senate could carry on in the middle of a bioterrorism attack, with 50 Senators locked out of their offices, I might have been a little skeptical. But Al Lenhardt and his staff, Kennie Gill and her staff and the men and women of the Capitol Police force have shown us that anything is pos-

sible. Together, they have kept the Senate safe and operating in these anxious times. We are grateful to them all.

INTERNET TAX NONDISCRIMINATION ACT

Mr. REID. Mr. President, yesterday the Senate decided to ban, for two more years, Internet access taxes and discriminatory taxes on e-commerce. For American Internet users, I fully support this decision, as did the vast majority of my colleagues.

I also supported the Senate's decision to more thoroughly consider a meritorious yet deficient proposal that would have helped States eventually require interstate retailers to collect tax on all sales, even to States where the retailer has no substantial presence. E-commerce and brick and mortar businesses should be placed on a level playing field.

On behalf of the important State and local government programs that sales tax revenue support, I firmly believe this issue needs to be resolved very soon. I was concerned, however, that the proposed legislation had a few key shortcomings.

First, I believe the proposal did not give the States clear guidance on what Congress expects them to address as they simplify their sales tax rules. The Supreme Court has said that the current State sales tax system is unconstitutionally complex, but that Congress can remedy that problem. On one particular point, the proposal did not tell the States to ensure that no tax loopholes be adopted that would allow some sellers to avoid tax collection responsibilities. I believe that Congress must not allow tax discrimination among retail business models.

Second, I believe that Congress will need expert assistance to help analyze the State's efforts to make their tax systems constitutional, especially if we hope to consider their efforts quickly. For that reason, I believe there must be a timely federal review of the States' eventual agreement before it is presented to Congress. Also, I believe a federal agency is much better positioned than Congress to ensure continuing compliance with the interstate agreement.

I did not support the Enzi/Dorgan amendment because it would have added complexity, making a retroactive change in the law, that is unclear, and did not go through a complete vetting process. This was a meritorious but flawed amendment. The House would not have accepted this legislation with this amendment.

I look forward to working with my colleagues, the States, and industry next year on a bill that addresses the States' legitimate tax revenue needs and ensures that the simplified State tax system is fair to all retailers and can be efficiently considered and monitored.

I will not likely support another moratorium. We must take the steps

necessary to bring our interstate tax rules into the 21st Century.

Mr. KERRY. Mr. President, I voted in support of the Enzi Amendment to the Internet Tax Nondiscrimination Act because I believed that after nearly 2 years of working towards a compromise on this very important issue, it was time to move forward and provide States with guidance on how to level the playing field for Internet and bricks and mortar retail establishments. Of equal importance is that in this time when State coffers are shrinking and State spending requirements are increasing with the need to pay for the increased security needs each State now faces, we cannot in good conscience short change the States.

Let me be clear. I do not support a tax on the Internet. The Enzi amendment did not tax the Internet. It simply provided a way to move towards a system where States can collect taxes that are already owed. Moreover, I strongly support a permanent ban on Internet access taxes. The Enzi amendment intended to create such a ban. If there were questions as to whether that intent was fully carried out by the language as drafted, I believe we could have addressed those questions adequately in conference. I oppose discriminatory Internet taxes. Again, the Enzi amendment banned such taxes for 5 years and ultimately such a ban will be made permanent.

It is also important to point out that the Enzi amendment, had it succeeded, would not have been the final word on whether States could begin collecting taxes owed on Internet sales. After up to 5 years of working towards a compromise, and after at least 20 States agreed to simplify their tax collection systems in a uniform manner, Congress still would have had the opportunity to vote down a simplification plan, if we believed it was unfairly burdensome to Internet or other remote sellers. That provision provided a critical measure of assurance that States could not unfairly insist on the collection of taxes.

I was an original cosponsor of the Internet tax moratorium that only recently expired, and I hope, with the additional 2-year moratorium that we have just enacted we will enjoy some measure of success in forging a compromise that will have broad support. I will continue to work with my colleagues to ensure that Internet companies are never required to divine the tax rate of a consumer in one of thousands of taxable jurisdictions. In addition, I will work to ensure that uniform definitions for taxable property are part of any simplification plan, so that companies do not have to analyze different definitions for the same item in different states. Uniformity in auditing procedures, filing requirements and remittance forms will also be goals we will continue to try to reach.

Equity dictates that we do not treat the taxation of goods differently simply because of the method by which

they were sold. I look forward to continuing to work on this issue so that we can find a way to reach that goal that is fair to States, consumers, Internet companies and traditional retailers.

AMTRAK REFORM COUNCIL FINDING

Mr. McCAIN. Mr. President, I want to explain for the benefit of my colleagues some recent actions that involve Amtrak. I will begin, however, by briefly describing Amtrak's history.

Amtrak was created in 1971 by the Rail Passenger Service Act which was enacted in 1970. The law established Amtrak in order to relieve the freight railroad industry from the burden of providing ongoing passenger service. With capital acquired from participating railroads and the Federal Government providing \$40 million in direct grants and another \$100 million in loan guarantees, the corporation was to become self-sustaining within 2 years. Since 1971, however, Amtrak has received nearly \$24 billion in taxpayer assistance to help cover its operating and capital costs.

Today, much like when Amtrak started, Amtrak serves approximately 500 locations. It carried 22.5 million passengers in fiscal year 2000. By contrast, the intercity bus industry carries 744 million passengers annually and serves over 4,000 locations. The aviation industry carries more than 600 million passengers annually. I mention this comparison because I believe we must consider Amtrak in the context of other passenger carrying transportation services.

Amtrak was most recently authorized during the 105th Congress, after several years without an authorization. The Amtrak Reform and Accountability Act, Public Law 105-134, was bipartisan compromise legislation and enacted, in part, due to the very critical reports of Amtrak's financial situation at that time. During the act's development, the General Accounting Office, Amtrak, and others estimated that the rail system was on the brink of bankruptcy.

Taking into account the very serious financial situation facing Amtrak, the reform law provided the statutory operational, procurement, labor and liability reforms that Amtrak requested so it could operate more like a private business. It reauthorized Amtrak for 5 years, through fiscal year 2002, releasing the approximately \$2.2 billion to Amtrak that was provided in the form of a tax "refund" in the Taxpayer Relief Act of 1997, TRA, even though Amtrak has never earned a profit, let alone paid income tax. It also required Amtrak to operate free of taxpayer assistance 5 years after the date of enactment of the law, which is December 2, 2002.

The law established an 11-member Amtrak Reform Council, ARC, appointed by the President and leader-

ship in both the House and the Senate, to oversee Amtrak and make recommendations for improvements. The law provided that if at any time following 2 years after the date of enactment the ARC finds that Amtrak is not meeting its financial goals, the Council is directed to develop and submit within 90 days to Congress an action plan for a restructured and rationalized intercity rail passenger system. Within that same time period, the law directs Amtrak to prepare a plan for its complete liquidation. The law provides for an expedited procedure during which Congress would vote, simple majority, on a resolution to disapprove an Amtrak liquidation.

What has Amtrak accomplished since the reform bill's enactment? Amtrak's press releases often boast about increased ridership and revenues. Unfortunately, those press releases never quite tell the full story. According to the General Accounting Office, any increase in ridership and revenues has resulted in an even greater increase in expenses.

Moreover, Amtrak's debt load has tripled since the reform bill's enactment to over \$3.3 billion and it has spent more than \$4.4 billion in taxpayers dollars during that same period. And, despite repeated testimony by Amtrak officials this year about being on a "glidepath to operational self-sufficiency," Amtrak entered into a creative agreement in June to mortgage a portion of Penn Station to obtain cash to allow Amtrak to continue operating past the summer. Clearly, our expectation for a new and improved Amtrak when we passed the reform bill in 1997 has not been realized.

The Department of Transportation Inspector General and the General Accounting Office have testified repeatedly before Congress that Amtrak is in a very precarious financial situation. Moreover, last Friday, November 9, 2001, the ARC officially issued a finding that Amtrak will not be operationally self-sufficient by December 2, 2002, as required by law. The ARC has found there are major inherent flaws and weaknesses in Amtrak's institutional design and it must be restructured. As a result of this finding, the ARC will submit a restructuring plan and Amtrak will submit a liquidation plan to the Congress in early February. In addition, the administration, according to testimony from the Federal Railroad Administrator, is also preparing to submit a proposal to restructure our Nation's passenger rail system as part of its fiscal year 2003 budget request.

I understand Amtrak and others have made some very critical comments about the ARC's decision. Clearly, it was a decision not taken lightly by the ARC members. I, for one, commend the ARC members for abiding by the law and making the tough decision that they felt needed to be made. I only question what took them so long.

I look forward to a robust debate on the future of intercity rail passenger

service in this country. I believe that passenger rail can and should be a part of our Nation's transportation system, but I continue to question how it should be structured and managed, knowing that Amtrak has failed to meet even the lowest of expectations for 30 years.

I find it indefensible that despite the findings of the ARC, the IG and the GAO, this week we were considering legislation that would have given another \$9 billion to Amtrak by authorizing Amtrak to issue bonds. I imagine proponents of that provision will continue to seek enactment of their proposal prior to adjournment. I vow to do everything in my power to prevent such efforts from succeeding, as I strongly question the logic of throwing billions of additional dollars at Amtrak when nearly every expert that knows anything about Amtrak and finances knows, and has told Congress, that Amtrak cannot live up to the promises it makes.

Before moving forward with any additional funding for Amtrak we need to address a number of tough questions: What is the future for intercity rail passenger transportation? Where does it attract passengers and where doesn't it? Does rail passenger service have to equate to "Amtrak" or should we finally accept the fact that after 30 years, it is time to find a new approach? Where might high-speed rail service actually attract enough passengers to be economically viable? How does it fit into our national transportation system? What is the financial obligation we will be imposing on the American taxpayers and what can they realistically expect as a result of their expenditures?

It is simply time to have an open and honest debate on this issue. We need to hear from the administration and the American public. I hope my colleagues will agree that we need to allow the debate on Amtrak's future to move forward and stop the hemorrhaging of taxpayers' dollars by this entity. I certainly intend to do all I can to ensure the Senate Commerce Committee, which has jurisdiction over Amtrak, steps up to the plate and does its part on this subject.

BIOTERRORISM PREPAREDNESS ACT OF 2001

Mr. WELLSTONE. Mr. President, I rise today to support the Bioterrorism Preparedness Act of 2001. This act represents a critically important turning point in the readiness of our public health system to respond to the challenge of bioterrorism. In many places in our Nation the public health infrastructure has been underfunded and understaffed. Many of our public health workers have been working day and night since September 11. The anthrax attack has demonstrated that our system can be overwhelmed by a bioterrorist attack. This bill provides essential assistance to our network of local

and State health departments, public health laboratories, hospitals and health care facilities so that they can protect all of us in the event of further bioterrorist attack, or of other infectious disease outbreaks.

Mr. President, we in Minnesota have long been aware of the dangers of bioterrorism thanks to the efforts of Mike Osterholm, head of the Center for Infectious Disease Research and Policy at the University of Minnesota. But since September 11, everywhere that I have traveled in Minnesota I have been hearing about the need for preparedness. I am very glad that this bill is providing for bioterrorism preparedness.

This bill provides block grants to states to improve public health departments and to get the equipment they need, and to help local governments safeguard their communities from these threats. The bill also provides grants to hospitals and other health care facilities to improve their abilities to respond quickly and effectively to a bioterrorist attack. I am glad this bill emphasizes getting funds to the local level. That is very important. In fact, I would have even gone further in setting aside funds specifically for localities.

I do have some reservations about the scope of the antitrust exemption the bill in its current form provides to the drug industry and others in connection with the development of countermeasures against bioterrorism. I fully understand the urgency of the situation and the need to create "safe space" for the work necessary to bring such countermeasures on line. However, I do think we need to tread carefully when it comes to further insulating the drug industry from the discipline of competitive market forces. I hope that my colleagues will work with me as we move forward on this very important measure to ensure the fullest possible protection for American consumers consistent with the development and production of necessary countermeasures.

As chair of the Subcommittee on Employment, Safety and Training, I am particularly glad that this bill recognizes the threat of bioterrorism in the workplace. Virtually all of the anthrax attack involved places where people work, including media offices, the U.S. Postal Service and here in the Congress. I am especially happy that this bill includes language which I had suggested to direct the National Institute of Occupational Safety and Health to enhance and expand research on the health and safety of workers who are at risk for biological threats or attacks in the work place.

Finally, I am particularly pleased that my provisions regarding mental health were included in this important bill. We know from the outstanding hearing on mental health and terrorism, chaired by Senator KENNEDY in the HELP committee, that the preparedness and response activities for

the mental health consequences of bioterrorism are as important as all other public health initiatives this Congress can support. Dr. Kerry Kelly, Chief Medical Officer of the New York Fire Department, reported at that hearing that since September 11, the men and women of the New York Fire Department and the families of those who were lost have had to endure a tremendous sense of grief. She said that, "the emotional well-being of our department requires intervention to provide stress debriefing, bereavement counseling, and continued psychological support of our members, our families, and the children affected by this event."

The mental health provisions in the Bioterrorism Preparedness Act of 2001 support Federal, State, and local efforts to enhance the preparedness of public health institutions, providers of medical care, and other emergency service personnel, including firefighters, to detect, diagnose, and respond to the mental health consequences of a biological threat or attack. Additionally, State and local emergency measures ensure that hospitals and health care providers have adequate capacity and plans in place to provide mental health services to meet the need of vulnerable populations, including children, the elderly, and the disabled. Training programs are also authorized to educate health care professionals to recognize and treat the mental health consequences of a biological threat or attack, including the consequences for children.

We know one for thing for sure. It is a mistake to believe that bioterrorism events cannot have lasting impact on the mental health of the individuals who experience them. Let us not repeat the mistakes that were made in the aftermath of the Vietnam war, when the trauma experienced by veterans was ignored or trivialized until well after the optimal time for treatment was past. We have learned from the outstanding research funded by the VA and NIMH of the severity of the disorder and the effective ways in which it can be treated. We must ensure that all Federal, State, and local public health efforts to respond to and prepare for bioterrorist attacks take advantage of this knowledge.

I do not believe that mental health problems are a widespread or inevitable consequence of bioterrorist attacks. But as we heard from the experts at the HELP hearing, we should not underestimate the severe impact that these events have on people's sense of identity and safety, and how the multiple losses and horrific experiences they go through has the potential to affect them for a long while. There have been many reports in the media of the heightened sense of anxiety and vulnerability throughout our country. These feelings are normal and I have confidence that most Americans will be able to deal with these crises. But I also firmly believe that the Fed-

eral, State, and local governments can play a major role in helping people to understand what has happened to them, and establish programs for mental health services for those who will need it. We in Congress are doing our part by the inclusion of these mental health initiatives within this bill.

In closing, this bill represents an essential step forward in safeguarding both the physical and mental health of our Nation in the event of further bioterrorist attack.

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 July 5, 1993 on Staten Island, NY. A 22-year-old gay man allegedly was beaten by 30 youths chanting anti-gay slurs. One of the assailants, Andrew Dubitsky, 17, was charged with second-degree assault.

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.

SPECIAL SESSION OF CONGRESS IN NEW YORK CITY

Mrs. CLINTON. Mr. President, I would like to draw my colleagues' attention to an editorial, which appeared in the New York Daily News on September 25, 2001.

In the wake of the terrorist attacks of September 11, this editorial proposes that Congress should convene for a special session in New York City. Daily News rightly points out that a convening of Congress in New York City would reaffirm the American people's steadfast resolve against the cowardly perpetrators of terrorism—and that the attack on New York represented an attack on our Nation.

I am pleased to report that a bill, H. Con. Res. 249, calling for a special session of Congress to meet in New York City, has been introduced in the House of Representatives and that yesterday Senator SCHUMER and myself introduced a corresponding bill here in the Senate. I urge my colleagues to support this measure, which calls for a special 1-day joint session of Congress to be held in New York City as a symbol of the Nation's solidarity with New Yorkers who epitomize the human spirit of courage, resilience, and strength.

Mr. President, on behalf of Senator SCHUMER and myself, I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the New York Daily News, Sept. 25, 2001]

CONVENE CONGRESS IN NEW YORK

In today's primary election—so savagely interrupted two weeks ago—pundits are predicting an abysmal turnout. But today, New Yorkers, you have even more reason to go to the polls. Not only will you help to select candidates for one of the most critical elections in the city's history, you will be sending a message that our representative democracy still stands tall—the democracy that terrorists are intent on destroying.

New York was targeted because this city represents America. The U.S. Congress also represents America—figuratively and literally. So herewith, a proposal: Congress should assemble in New York City for a special session.

The duration doesn't matter—a day would be enough. What matters is that, by meeting here, Congress would show the city, the nation and the world that it stands in solidarity with New York, and that the strikes against the World Trade Center and the Pentagon were strikes against an America that has emerged stronger than ever. An America united in its determination to eradicate terrorism. Indeed, the 535 members of the House and Senate could use the New York session to pass a resolution or legislation related to this new war we are waging. For it is Congress assembled that represents America.

Holding a special session here would be unprecedented, but there is nothing in the Constitution or federal law or the rules of Congress that dictates where the House and Senate shall convene. In its history, the only time Congress traveled was during the Revolution, when it fled the British. This time, it would not be fleeing, but charging into action—and doing so at the scene of the worst enemy attack ever on American soil.

Since the terror murder of thousands Sept. 11, President Bush and key members of Congress have visited the city to witness firsthand the destruction, the heroism and the stoicism. Forty members of the Senate came as a group. Consider the emotional and symbolic impact of the entire Congress assembling in New York.

And the meeting place? Perhaps the Javits Center or Governors Island or Liberty Island. Or somewhere downtown near the scene of the carnage. There would be obstacles involving logistics and security, but they can be overcome, as they were when the President and the Senate delegation visited. This proposal can be brought to fruition.

In the context of U.S. history, there are strong parallels for Congress coming to New York. The city was the home of the Continental Congress beginning in 1785. And when the federal Constitution was adopted, the first Congress met here in 1789. George Washington was sworn into office downtown, blocks from what is now Ground Zero. The first meetings of the House of Representatives and the Senate were held here.

Though the official seat of power remained in New York for only about a year, during that time the basic functions of the U.S. government were set in place. It was in New York that Congress wrote the Bill of Rights and submitted the amendments to the states. It was in New York that the Supreme Court was established. And it was in New York, on another Sept. 11—in 1789—that the Senate voted to confirm the first administration's first cabinet member: New Yorker Alexander Hamilton as treasury secretary.

In 1790, Congress moved to Philadelphia, and 10 years later to its new Capitol building in the nation's new capital city of Wash-

ington. The last time Congress did not meet at the Capitol was during the War of 1812, when the British burned the building. That was also the last time—until Sept. 11, 2001—that a foreign enemy struck the American mainland.

For generations, America was protected by two broad oceans. No more. We have become a battleground. We are making history anew. And with a simple, yet far-reaching action, Congress can come to New York and write a new chapter in the indelible ink of national fortitude. Congress already has acted to assist our wounded city, approving \$20 billion in aid for New York, with more likely to follow. What we ask for here is symbolic. Just as the terrorists chose the World Trade Center and Pentagon as symbols, America should render its own symbol—of unity, strength and resolve such as the world has never seen.

SOBERING STATISTICS ON CHILDREN AND GUNS

Mr. LEVIN. Mr. President, I rise to enter into the RECORD a few facts about guns and children. According to the Centers for Disease Control and Prevention, every 7 hours a child or teen was killed in a firearm-related accident or suicide in 1999. From 1994–1999, an average of five children died every day in non-homicide firearm incidents. In the same period, more than 2,100 children were killed in firearm accidents. In the 1990s, an average of 1,370 kids committed suicide with a firearm each year. More than 150 each year were children under the age of fifteen. In 1997, hospital emergency rooms treated four children with gun shot wounds for every child killed with a firearm. And a 1997 CDC study reported that the overall firearm-related death rate among children in the United States who are less than fifteen years old was nearly twelve times higher than among children in twenty-five other industrialized countries combined.

These sobering statistics remind us of the importance of strengthening our gun laws to limit children's access to guns. I urge my fellow Senators to join me in support of meaningful gun safety legislation.

ADDITIONAL STATEMENTS

TRIBUTE TO COLONEL DONALD E. FLEMING

• Mrs. HUTCHISON. Mr. President, I rise today to recognize an American who has honorably served our Nation for 28 years: Colonel Donald E. Fleming, U.S. Marine Corps. Colonel Fleming has served with distinction, throughout wartime and in times of peace. In 1990 and 1991, during the Gulf War, Colonel Fleming served as the executive officer to a Harrier Attack Squadron in support of Marine ground troops in Operation Desert Storm. He was involved in numerous sorties against Iraqi forces, which enabled ground combat troops to successfully attack and take Iraqi forces. This was a highly dangerous task as Marine air-

craft were constantly exposed to enemy fire. Colonel Fleming was prepared to give his life for those Marines on the ground to be successful in completing their missions.

Colonel Fleming's last assignment was as the deputy legislative assistant to the Commandant of the Marine Corps. This was a highly responsible assignment in that the Colonel served not only the Commandant of the Marine Corps, a member of the Joint Chiefs of Staff, but the U.S. House of Representatives and the U.S. Senate as well. Colonel Fleming was thoroughly involved with ensuring that the numerous congressional inquiries were completed in a timely and correct manner. This is a large task, especially during the hearing season, when Members of Congress and their staffs address many questions and concerns to the military departments. Additionally, Colonel Fleming was responsible for the final coordination of significant congressional and staff delegations that took place literally all over the world.

I thank Don for his unswerving dedication to serving the U.S. Congress. He has served our Nation and the U.S. Congress in the finest traditions of the U.S. Marine Corps. I wish Don well in his future endeavors as he enters a new phase of his life. Colonel Fleming's service to his country and his Corps has been laudatory. I am deeply appreciative that we have Marines like Colonel Fleming, who are of such high caliber and sincere conviction. May God bless Colonel Don Fleming and his family, and may fair winds and following seas follow Colonel Fleming throughout his new career.●

IN RECOGNITION OF THE EUGENE M. LANG I HAVE A DREAM FOUNDATION

• Mr. LEVIN. Mr. President, today, I would like to recognize a remarkable individual whose efforts rank high among those that have marked the great history of this Nation. Eugene M. Lang is a dedicated philanthropist and supporter of education. His selflessness, sense of pride, and love for his country have been demonstrated in his commitment to the present and the future of young people all across America, through his I Have a Dream Foundation. This weekend, November 15–17, 2001, Mr. Lang and the Foundation will celebrate 20 years of education achievement.

The path leading up to 20 years of education successes began on June 25, 1981. It was then that Eugene Lang, a New York businessman would return to his old elementary school, P.S. 121, in East Harlem to address the graduating sixth-graders. His original plan was to deliver a standard message that if you worked hard you would succeed. However, after arriving at his alma mater, he was told that his old school had changed—that 75 percent of P.S. 121's children would never graduate from high school, and that even those who

did get high school diplomas would probably lack the skills needed for college. The startling news, prompted Mr. Lang to make an extraordinary promise to the sixth-graders that day. He made an impromptu decision and announced that if the 61 middle schoolers graduated from high school he would provide financial assistance to help them pay for college. This wonderful benefactor told the children that they must have a dream for the future, and that he would help them achieve it.

Having made a promise, Lang went even further to help the P.S. 121 sixth-graders. He provided the children with support services and hired a social worker to work with them. With the involvement of education and social science professionals, Mr. Lang's vision evolved into the I Have a Dream program and the P.S. 121 kids became the first "Dreamers."

In August 1985, after 4 years, all of Lang's Dreamers were still in school garnering national attention including a front page story in the New York Times and a segment on 60 Minutes. This spurred Lang to organize the national I Have a Dream Foundation in 1986 and help launch a new generation of Foundation projects.

Of the 54 original Dreamers who remained in contact with Mr. Lang's project, more than 90 percent earned their high school diploma or GED certificate and 60 percent went on to higher education, mostly at public 4-year or community colleges. In June 1991, the first Dreamers received baccalaureate degrees from colleges such as Bard and Barnard; others subsequently graduated from Swarthmore, Rensselaer Polytechnic Institute, Hunter, AZ, and other schools. At least two-thirds of the P.S. 121 Dreamers have had 2 or more years of higher education and some continue to work on earning their degrees. Almost all hold fulfilling jobs and many have children who, they vow, will go to college.

Today, the I Have a Dream program is a nationally recognized model that helps children stay in school, graduate, and go on to college or vocational education training and meaningful employment. The children, called Dreamers, participate in a year-round program of mentoring, tutoring, cultural exposures, and community service activities from elementary school through high school. Upon graduation, Dreamers receive financial assistance for either a college or vocational education. "I Have a Dream" has grown from one man's promise to 61 middle schoolers to over 175 projects in 58 cities, serving more than 13,000 children from low-income communities, including the Dreamers from my home State of Michigan. In Michigan, the Dreamers from Detroit have graduated while the Battle Creek programs support 11th graders who are close to achieving their dreams and in Port Huron, 7th and 8th graders are well on their way to fulfilling their own goals thanks to Eugene Lang's remarkable vision.

Through his hard work, dedication and unshakable belief in our nation's children, Mr. Lang has helped many a dreamer fulfill his or her educational goals with his I Have a Dream Foundation. This kind and generous man is a role model to us all and I know that my Senate colleagues join me in congratulating Eugene Lang for his commitment and success with his I Have a Dream Foundation.●

NATIONAL BIBLE WEEK

● Ms. LANDRIEU. Mr. President, for the last 60 years, National Bible Week has been an annual observance in this country. It has come each year at Thanksgiving time since 1941. We were on the brink of World War II that year, and about to face the bombing of Pearl Harbor. That was certainly a difficult time in our Nation's history, but this country has truly been blessed. In truth there have been only a few times since then that we as a nation have felt the need to turn to the worn pages of our Bibles for strength and comfort and guidance. We are in the midst of such a time right now.

This year National Bible Week runs from Sunday, the 18th of November through the 25th. I am pleased and honored to serve as one of this year's Congressional cochair for National Bible Week, which is sponsored by the National Bible Association. The Bible has had remarkable influence on American life, literature, music, art, and the system of justice that governs our laws. Inscribed on every piece of American currency is the phrase, "In God we trust." Freedom of religion is guaranteed under our constitution. And despite the many differences in our religious views, we proclaim ourselves to be "one Nation, under God."

I join the majority of Americans in believing the Bible to be the Word of God. For those of the Jewish faith, the Old Testament, or Torah, offers understanding and serves as a reminder of obligations to God and country. Islamic followers consider Christians and Jews to be "the people of the book," and their Koran recognizes the Bible's significance in the development of civilization. Certainly now, as evil people seek to pit one religion against another, and try to justify acts of hate committed in the name of God, this is the time to strengthen our beliefs, and to do this, we turn to the Bible. I encourage believers everywhere to open their Bibles, and read the scriptures. Find a favorite passage, and give thanks.●

MESSAGES FROM THE HOUSE

At 10:09 a.m., a message from the House of Representatives, delivered by Ms. Niland, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2269. An act to amend title I of the Employee Retirement Income Security Act

of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets.

H.R. 2887. An act to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 228. Concurrent resolution expressing the sense of the Congress that the children who lost one or both parents or a guardian in the September 11, 2001, World Trade Center and Pentagon tragedies (including the aircraft crash in Somerset County, Pennsylvania) should be provided with all necessary assistance, services, and benefits and urging Federal, State or local agencies responsible for providing such assistance, services and benefits to move expeditiously in providing such assistance, services and benefits to those children.

H. Con. Res. 239. Concurrent resolution expressing the sense of Congress that schools in the United States should set aside a sufficient period of time to allow children to pray for, or quietly reflect on behalf of, the Nation during this time of struggle against the forces of international terrorism.

The message further announced that the House insists upon its amendment to the bill (S. 180) to facilitate famine relief efforts and a comprehensive solution to the war in Sudan, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

For consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. HYDE, Mr. GILMAN, Mr. SMITH of New Jersey, Ms. ROS-LEHTINEN, Mr. ROYCE, Mr. TANCREDO, Mr. LANTOS, Mr. BERMAN, Mr. PAYNE, and Ms. MCKINNEY.

For consideration of section 8 and 9 of the House amendment, and modifications committed to conference: Mr. OXLEY, Mr. BAKER, Mr. BACHUS, Mr. LAFALCE, and Mr. FRANK.

ENROLLED JOINT RESOLUTION SIGNED

At 11:55 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 74. A joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

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

At 1:05 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3009. An act to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

MEASURES REFERRED

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

H.R. 2269. An act to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets; to the Committee on Finance.

H.R. 3009. An act to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; to the Committee on Finance.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 228. Concurrent resolution expressing the sense of the Congress that the children who lost one or both parents or a guardian in the September 11, 2001, World Trade Center and Pentagon tragedies (including the aircraft crash in Somerset County, Pennsylvania) should be provided with all necessary assistance, services and benefits and urging Federal, State, or local agencies responsible for providing such assistance, services and benefits to move expeditiously in providing such assistance, services, and benefits to those children; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 239. Concurrent resolution expressing the sense of Congress that schools in the United States should set aside a sufficient period of time to allow children to pray for, or quietly reflect on behalf of, the Nation during this time of struggle against the forces of international terrorism; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2873. An act to extend and amend the program entitled Promoting Safe and Stable Families under title IV-B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV-E of that Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2887. An act to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

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-4578. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Linear Alkyl C12-16 propoxyamine ethoxylate; Exemption from the Requirement of a Tolerance" (FRL6810-2) received on November 13, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4579. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Letter Clarifying the Regulatory Status of Antimony Oxide Slag Generated by Cookson Group in Laredo, TX"; to the Committee on Environment and Public Works.

EC-4580. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Releasability of Hazardous Ranking System (HRS) Documents under the Freedom of Information Act"; to the Committee on Environment and Public Works.

EC-4581. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Small System Requirements for the Stage 1 Disinfection By-products Rule-Small Entity Compliance Guide"; to the Committee on Environment and Public Works.

EC-4582. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of rule entitled "North Dakota Regulatory Program" (ND-042-FOR) received on November 13, 2001; to the Committee on Energy and Natural Resources.

EC-4583. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program" (PA-132-FOR) received on November 13, 2001; to the Committee on Energy and Natural Resources.

EC-4584. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Indiana Regulatory Program" (SPA No. 2001-1) received on November 13, 2001; to the Committee on Energy and Natural Resources.

EC-4585. A communication from the Assistant Director of the General Counsel, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "National Security; Prevention of Acts of Violence and Terrorism" (RIN1120-AB08) received on November 13, 2001; to the Committee on the Judiciary.

EC-4586. A communication from the Director of the Policy and Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Continued Detention of Aliens Subject to Final Orders of Removal" (RIN1115-AG29) received on November 13, 2001; to the Committee on the Judiciary.

EC-4587. A communication from the Assistant to the Board of Governors to the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation Z (Truth in Lending): Annual Adjustment to the Dollar Amount that Triggers Certain Requirements under the Home Ownership and Equity Protection Act of 1994 (HOEPA)" (R-116) received on November 14, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-4588. A communication from the Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of a rule entitled "Assessment of Fees" (12 CFR Part 8) received on November 13, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-4589. A communication from the Chief Counsel of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Additional Designations and Removal of Per-

sons Listed in Appendix A to 31 CFR Chapter V and Appendix I to 31 CFR Part 539, Weapons of Mass Destruction Trade Control Regulations" received on November 13, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-4590. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the aggregate number, locations, activities, and lengths of assignment for all temporary and permanent United States military personnel and United States individual civilians retained as contractors involved in Plan Columbia; to the Committee on Foreign Relations.

EC-4591. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license sold commercially under a contract in the amount of \$50,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC-4592. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of \$50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-4593. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of technical data and defense services sold commercially under a contract in the amount of \$50,000,000 or more to the Republic of Korea; to the Committee on Foreign Relations.

EC-4594. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license agreement with South Korea; to the Committee on Foreign Relations.

EC-4595. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license agreement with Germany, the Netherlands, and Spain; to the Committee on Foreign Relations.

EC-4596. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under contract in the amount of \$50,000,000 or more to Japan; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

H.R. 1766: A bill to designate the facility of the United States Postal Service located at 4270 John Marr Drive in Annandale, Virginia, as the "Stan Parris Post Office Building."

H.R. 2261: A bill to designate the facility of the United States Postal Service located at 2853 Candler Road in Decatur, Georgia, as the "Earl T. Shinhoster Post Office."

H.R. 2454: A bill to redesignate the facility of the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, California, as the "Congressman Julian C. Dixon Post Office Building."

S. 1184: A bill to designate the facility of the United States Postal Service located at 2853 Candler Road in Decatur, Georgia, as the "Earl T. Shinhoster Post Office."

S. 1381: A bill to redesignate the facility of the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, California, as the "Congressman Julian C. Dixon Post Office Building."

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. DOMENICI (for himself, Mr. BOND, and Mr. FRIST):

S. 1717. A bill to provide for a payroll tax holiday; to the Committee on Finance.

By Mr. BURNS:

S. 1718. A bill to amend the Internal Revenue Code of 1986 to extend section 29 to other facilities; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1719. A bill to amend title 18, United States Code, with respect to false communications about certain criminal violations, and for other purposes; to the Committee on the Judiciary.

By Mrs. CARNAHAN (for herself and Ms. MIKULSKI):

S. 1720. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States involving anthrax; to the Committee on Finance.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 1721. A bill to designate the building located at 1 Federal Plaza in New York, New York, as the "James L. Watson United States Court of International Trade Building"; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself, Mr. HATCH, Mr. GRASSLEY, Mr. MILLER, and Mr. BENNETT):

S. 1722. A bill to amend the Internal Revenue Code of 1986 to simplify the application of the excise tax imposed on bows and arrows; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 1723. A bill to amend the Fair Credit Reporting Act with respect to the statute of limitations on actions; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FRIST:

S. 1724. A bill to amend title 23, United States Code, to permit States to place supplemental guide signs relating to veterans' cemeteries on Federal-aid highways; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 1725. A bill to require the Comptroller General to carry out a study to determine the feasibility of undertaking passenger rail transportation security programs that are similar to those of foreign countries; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself and Mr. BREAU):

S. 1726. A bill to require the Secretary of Transportation to conduct a study of the feasibility of implementing a program for the full screening of passengers, baggage, and cargo on Amtrak trains, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for himself, Mr. LEAHY, Mr. CHAFEE, Mr. JEFFORDS, Mr. KEN-

NEDY, Mr. REED, Mr. LIEBERMAN, Mr. SARBANES, Mr. SCHUMER, Mr. TORRICELLI, Mr. CORZINE, and Mr. DODD):

S. 1727. A bill to reward the stewards of America's farms, ranches, public and private lands, wildlife, water quality and supply, to reduce the risk of specialty crop production, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. SNOWE:

S. 1728. A bill to provide for greater security at seaports; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself, Mr. SMITH of Oregon, and Mr. LEAHY):

S. Res. 182. A resolution expressing the sense of the Senate that the United States should allocate significantly more resources to combat global poverty; to the Committee on Foreign Relations.

By Mr. REID (for himself, Mr. BROWNBACK, Mr. SCHUMER, Mr. DASCHLE, Mr. LIEBERMAN, Mrs. BOXER, Mr. MCCAIN, Mr. CLELAND, Mr. DORGAN, Mr. JOHNSON, Mr. LEVIN, and Ms. MIKULSKI):

S. Res. 183. A resolution expressing the sense of the Senate regarding the establishment of a National Words Can Heal Day; considered and agreed to.

By Mr. DASCHLE:

S. Con. Res. 85. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

ADDITIONAL COSPONSORS

S. 351

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 351, a bill to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting use of mercury fever thermometers and improving collection, recycling, and disposal of mercury, and for other purposes.

S. 556

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 556, a bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes.

S. 775

At the request of Mrs. LINCOLN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 775, a bill to amend title XVIII of the Social Security Act to permit expansion of medical residency training programs in geriatric medicine and to provide for reimbursement of care coordination and assessment services provided under the medicare program.

S. 1006

At the request of Mr. HAGEL, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1006, a bill to provide for the en-

ergy security of the United States and promote environmental quality by enhancing the use of motor vehicle fuels from renewable sources, and for other purposes.

S. 1271

At the request of Mr. VOINOVICH, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 1271, a bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small business concerns, and for other purposes.

S. 1322

At the request of Mr. FITZGERALD, the name of the Senator from Louisiana (Mr. BREAU) was added as a cosponsor of S. 1322, a bill to amend the Internal Revenue Code of 1986 to classify qualified rental office furniture as 5-year property for purposes of depreciation.

S. 1396

At the request of Mr. CONRAD, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1396, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of a principal residence by a first-time homebuyer.

S. 1499

At the request of Mr. KERRY, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1522

At the request of Mr. CONRAD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1522, a bill to support community-based group homes for young mothers and their children.

S. 1618

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 1618, a bill to enhance the border security of the United States, and for other purposes.

S. 1635

At the request of Mr. HUTCHINSON, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1635, a bill to ensure the prompt research, development, manufacture, and distribution of new life-saving drugs, biologics, and medical devices that prevent or mitigate the consequences of a chemical or biological bioterrorist attack, and for other purposes.

S. 1673

At the request of Mrs. LINCOLN, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1673, a bill to provide for

the continuation of agricultural programs through fiscal year 2011.

S. 1680

At the request of Mr. DAYTON, his name was added as a cosponsor of S. 1680, a bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to provide that duty of the National Guard mobilized by a State in support of Operation Enduring Freedom or otherwise at the request of the President shall qualify as military service under that Act.

S. 1707

At the request of Mr. JEFFORDS, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Georgia (Mr. CLELAND), and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1715

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 1715, a bill to improve the ability of the United States to prepare for and respond to a biological threat or attack.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. BOND, and Mr. FRIST):

S. 1717. A bill to provide for a payroll tax holiday; to the Committee on Finance.

Mr. DOMENICI. Mr. President, I send to the desk to be appropriately referred a bill that is cosponsored by Senator BOND and Senator FRIST. This is going to be called the payroll tax holiday bill.

Mr. President, we have been talking a lot about a war, and we are beginning to read stories about the great valor and the fantastic American military machine, of which the American people ought to be very proud. Clearly, we have, in months and years past, supplied a very large amount of the American tax dollars to provide for adequate defense. This war we have waged for a few weeks against hatred and terrorism—while that war changed us forever, it also showed the world what a tremendous military force America is and what a great idea we have with democracy and capitalism matched up, with growth and prosperity—what a tremendous idea it is.

The idea and ideal was received on the streets of cities in Afghanistan with cheering for the few Americans who were part of it. This morning, we hear a communique from one of our military talking about how they are being received.

At the same time that we are paying for this and asking for our wonderful

volunteer men and women of the military, there is another war, and it is a tough one. It has to do with an economy that for 11 years was at the very peak of performance—almost without comparability in any period of economics that we note here in America. Now that economy, as one might have predicted, is going into one of the normal and natural downturns—except each one of these recessions are different. The qualities are different. What happened to get us there is different. There are also a lot of similarities. If we don't engage in the war that is also on our plate, called recession, in as unified a manner as we attacked the war on terrorism, with a proposal to help the economy, thus help our people—that is, Democrat and Republican—and gather together and say we each, Democrat, Republican, and the White House, have a plan—a lot of Senators have plans. We only had one vote, and it is pretty obvious that the Democrat plan can't muster the 60 votes that is going to be required to get a tax package through the Senate.

We all know the vote. The distinguished Senator from Montana, the chairman of the Finance Committee, has done a yeoman's job in trying to put together a partisan package. I have been there when you had to do that, and then I have had to defend it and try to get it through, with the entire party on the other side being opposed. I have listened and watched and seen this distinguished Senator do his very best. If the Republican plan—which may be the President's plan—is called up, I regret to say that I think it is going to get the same kind of treatment from the other side of the aisle. I can't say why each side has decided that they have a better plan, but that is what has happened. Let's hope that it is nothing more than that and that both sides still wish to get something done, to get an economic stimulus package; that is, a package that will cause America's economy to grow, jump-start, give it a little boost.

I am not going to talk about the things that have already been done, other than to say that once the recession started—that is a long time ago; for those who think this just came upon us, if you trace the economy—and I am sure the occupant of the chair, who, for many years of his life, day by day, had to rely upon his ability to analyze the economy and/or that of those who worked for him, and decisions had to be made on the best assumptions you could put together. But it is clear if you look at what happened, this recession started downward about 16 months ago, before the swearing in of the new President. It started down and it has been coming down a little bit at a time for all these months.

During that period, the Federal Reserve Board has, for the 12th time, I believe, reduced interest rates. I know if my friend from New Jersey were standing here and we were discussing this

issue, we would both be saying that is a very good thing, reducing the interest rates. No question, America relies upon capital for growth, for investment, for everything we put people to work with; you have to have money to buy a house, to buy a car.

Incidentally, if anybody wants to know how important interest rates are, look at the anomaly in America today. One of the biggest anomalies is that we are selling more cars than ever. So we are breaking the bank on selling cars in America in the middle of a recession. Well, I guess one could say the people finally woke up and wanted new cars, but I don't think so. I think they have wanted them all along. But guess what. The automobile companies decided it was better to sell cars and finance at zero interest rate and keep people working than it was to go ahead and cut back on production, charge interest rates so the finance companies would be turning a profit, but their factories would be laying off people. What an experiment because their people kept working and producing automobiles, and the rate of finance is zero. They must have analyzed what that does or does not do for their economic picture. But in the end, cars are selling because the cost of buying them is cheap.

Now, the economy is still not recovering properly, although somehow—at least this Senator believes that while I understood what was happening and clearly was out front saying we were moving toward a recession probably 12 months before we started saying it here, I believe there is a real chance if we do something right quick that this economy will start back up.

There are some good signs out there, but there are some not so good signs that could indicate it is going to be a long recession. But I am putting before the Senate today a proposal. There are many Senators I have talked to about it, I won't mention their names. But a few of them I thank profusely because they have publicly commented to papers such as the Wall Street Journal, and others; some Democrat Senators who have analyzed it with me have said it is a very good approach.

The reason that it is not moving with large numbers of Senators at this point is because everybody has some entanglements—and I use that word not pejorative—in terms of putting the packages together where they have committed here and there and, of course, they can't just jump off those ships, they have to let normal events occur.

But this morning, Senator BOND, Senator FRIST, and I put this before the Senate and the American people because we truly believe it is something that ought to be looked at. We are not here saying it is absolutely a cinch that it will work. But we are saying—three of us—with gaining strength today—the Wall Street Journal quotes Dr. Lindsey from the White House. His analysis would indicate that this is a good economic stimulus package. Let

me suggest that it is quick, doesn't have any administrative costs associated with it. It helps city, county, States, and private sector, and, indeed, every working man and woman in America who pays payroll tax for Social Security.

The 6.2 percent that comes out of their paycheck will stay in their paycheck for whatever month we choose. The legislation is drawn for the month of December, for one month. Likewise, the employer does not remit to the Federal Government; they keep the money.

In one month, if the month of December is chosen, I say to my friend from the beautiful State of Montana, \$38 billion will go into the American economy via the wage earners and businesses, large and small, in one month. They will have that money close to the Christmas season one way or the other.

If we do January, everybody will know it is there. If we do December, it will be in their paychecks. The reason I keep using one or the other month is because we have not moved with dispatch as everybody had hoped. As a consequence, I do not know if we can get it done in time for Christmas relief.

It is a very simple bill. It is quick. The economic activities of it are immediate. It eliminates 12.4 percent payroll tax from the OASDI for the month of December; \$38 million in immediate relief to be spent for whatever the recipient wants to do with it.

Self-employed workers will see their taxes reduced by 12.4 percent in that month. It will be split evenly between the employer and employee at 6.2 percent on each side. Then, obviously, there is language putting the Social Security fund back in its original posture by transferring from the general fund. That accounts for the removal and use in the economy and the replenishment that one would expect. It is very simple.

The three of us do this not as a total stimulus package, but for the tax portion that has been discussed by each side as being important.

By a strange coincidence, the two provisions that were in the Republican package, the rebate and the 2 percent, the 2-percent marginal rate change, turned out to be \$38 billion. This package is \$38 billion. It is just a coincidence, but if we are looking for a substitute, we could substitute that money.

Whatever the Senate wants to do about workers compensation, hospital and health protection—those are not part of the stimulus package in any event. They are part of us wanting to be helpful because people are hurting. Those can be worked out. Whether we fight over those or not, clearly, eventually, they will be worked out in both bodies.

There are a lot of economists who have been analyzing this. We do not have a lot of them here today to talk about, but there are a lot. Perhaps when we return, I will print in the

RECORD an article entitled "A Stimulus Package May Not Work" by Joanne Morrison. It cites three or four economists who analyze where we are.

I say to my colleagues, there are two arguments against what we are doing. One, it is taking too long, and, two, it will take too long after we pass it. It may be a long-term event rather than a short-term stimulus. Second, without any question, there is serious doubt as to whether the other packages are very stimulative. In both instances, that is corrected here.

Is it fair? It seems pretty fair. I am not saying we can solve each and every problem, but it is pretty fair. I have sent the tax bill to the desk.

I thank my two cosponsors and the Senator from Montana for letting me present my thoughts on this. There are a lot of people beginning to ask about it and starting to support it. We will put the names of those institutions that support this in the RECORD as soon as we can. The Governors are coming on board. We have asked no one. They are reading about it now, and we probably will ask a number of other groups in the country to give us their views.

I thank the Senate for giving me time. It is nice that debate can occur, but we are not there yet. Maybe a new idea can find its place here. I hope it is new enough to receive the consideration it deserves.

Mr. President, we must move forward. Right now, we have a Republican stimulus bill that passed the House. We have the President's plan and the Senate Republicans' plan. We have the Senate Democrats' plan.

But we don't yet have a stimulus plan that will pass the Senate and be signed by the President.

I believe this bill can be the key to bringing both sides together quickly once we return from the upcoming Thanksgiving week recess.

Let me be clear. I support the President. I think this administration is right on track when it comes to an economic stimulus package. However, any existing plan has to be modified to garner enough Senate support to pass.

We can't wait till later to get this job done. The administration and Congress have promised to enact a stimulus package. The American people expect a stimulus package. The markets expect a stimulus package. It would be a huge mistake to wait.

The retail sales reported yesterday showed sales up 7.1 percent in October. However, this was almost all due to aggressive and unsustainable incentives in the auto sector. In effect, these incentives are shifting auto sales that would have been made next year into this year. The economy is going to be in trouble once these incentives stop.

In order to break the impasse and move the process forward, let me describe the bill we have introduced today.

We propose a one-month payroll tax holiday, which would replace the current proposals for a supplemental re-

bate and the speed-up of the marginal rate reductions.

I'll tell you why.

IRS Commissioner Rossotti has raised administrative issues related to the supplemental rebates. Because of where we are in the calendar, such rebates would have to be folded into the taxpayers' 2001 tax returns and refunds next spring.

A payroll tax holiday will be more effective at increasing spending than the rebate checks sent out earlier this year or a new round of rebate checks. It will put the tax cut in paychecks automatically, without the need for special mailings.

Psychologically, workers are used to adjusting their spending habits based on the size of their paychecks. At present, workers spend about 95 cents for every dollar of after-tax earnings. Increasing their after-tax earnings will therefore lead to more spending—if they perceive the tax cut to be part of their regular earnings.

That's why separate rebate checks don't work as well. When a worker gets a separate rebate check they are more likely to treat it as a special windfall gain and save the money or pay down debt. According to the University of Michigan, as of October, in the midst of a recession, only 30 percent of people receiving rebate checks were saying they would spend the money.

The speed-up of the marginal rate reductions up has been criticized as a permanent change in tax law that benefits upper income folks most.

The bottom line: A payroll tax holiday is truly a stimulative, temporary tax cut that is very likely to be spent.

All wage earners earning below \$80,400, even those that don't earn enough to pay income taxes, would benefit.

Both the employee and employer share (6.2 percent each) of the social security (OASDI) payroll tax would be suspended. Self-employed social security payroll taxes would also be suspended. The Social Security trust fund would be made whole via a transfer from the general fund.

Employees would have more take home pay and employers would have increased cash flow.

A school teacher making \$40,000 would see an increase in their take-home pay of \$207 in December. A self-employed contractor earning \$40,000 per year (who pays both the employer and employee share of 12.4 percent) would see an increase in pay of \$413.

It is most desirable to make the one-month period December 1, 2001 through December 31, 2001. A payroll tax holiday in December would be perfectly timed for the holiday shopping season. The whole tax cut would go out in only one month. We wouldn't have to wait for a new round of rebate checks to go out—a process that could take months and interfere with the speed of tax refunds.

In addition, in 2001 the payroll tax is applied to income up to \$80,400. By December, approximately 6 percent of

wage earners have already reached the limit and would not receive the benefit of the payroll tax holiday.

The cost of a December holiday is about \$38 billion in fiscal 2002. If the holiday were in January, the cost would be about \$43 billion, because all wage earners would receive the benefit.

Mr. President, we are at an impasse here in the Senate. Let's all admit that neither the Democratic plan nor the President's plan has the requisite 60 votes to pass this Chamber.

I believe this proposal could provide us with the key component to reaching a bipartisan way to enact a stimulus bill quickly.

Mr. BOND. Mr. President, Senator DOMENICI has a proposal he has crafted to provide immediate economic stimulus and assistance to low- and middle-income workers who have been suffering, as we all have, from the economic downturn.

I have signed on with him in support of his measure because his idea, which is a payroll tax holiday for December, would be the easiest, simplest, fairest, and most effective way to get a stimulus of between \$38 and \$41 billion directly into the pockets of middle and lower income workers in the United States.

This is not a tax cut for the rich because anybody who is making over \$80,000 a year has already finished making their Social Security or payroll tax, FICA tax, contributions. This would provide, if we can put this in the stimulus package and pass it quickly this month, that you would not send in your FICA tax withholdings or contributions for December. It is simple. Nothing goes in the mail. You don't have to worry about mail deliveries or all the problems we have had. Obviously, most people know we haven't had mail for almost a month in Congress. There are other places where security precautions have delayed the mail.

You don't have to go through a complicated system of developing regulations and rules or even cutting checks for a rebate. When the President proposed a rebate many weeks ago, there was time to get the rebate check prepared and get it out in December so we would have a productive, economically thriving holiday season. Unfortunately, because of the lateness of the hour, it is likely that a rebate check or other assistance that has to be paid out by check from the Federal Government will be 6 to 8 weeks away and will not hit in the pockets where the working men and women can spend it until sometime in January or February.

This obviously is one part of a stimulus package. I happen to believe that in addition to more generous unemployment benefits and providing assistance through grants to the States for health care, we also need to have assistance for small businesses, many of which have been absolutely savaged by the economic downturn as well as the crash at the World Trade Center.

Those parts are important, too. I have some small business provisions I hope will be included in the stimulus package.

The great thing about the Domenici proposal for the FICA December tax holiday, not paying the Social Security withholding amounts in December, is that it can happen immediately. It will put the money in the pockets of those who can best spend it. It helps the single mom who is just struggling to get by. It helps the individual worker who makes about \$40,000. They would have \$210 more in their pockets. For a self-employed person who has to pay both the employee and employer side of the FICA tax, 12.4 percent, that would be about \$420 they would not have to send to the Federal Government in December. Of course, there would be a transfer from the general revenue to Social Security so we would not impact Social Security.

I urge all my colleagues to pay attention to the thoughtful and effective proposal Senator DOMENICI has outlined for us. This should be the centerpiece. Democrats and Republicans can come together behind this proposal, move it quickly; let's get moving. We are in an economic downturn. It has been going on for 15 months. It got a whole lot worse after September 11. This economy needs a boost. Leaving the FICA tax in the pockets of the people who are working, the medium- and low-income workers, and the people who employ them is the best way to get this economy moving again.

By Mr. BURNS:

S. 1718. A bill to amend the Internal Revenue Code of 1986 to extend section 29 to other facilities; to the Committee on Finance.

Mr. BURNS. Mr. President, today I rise to introduce the Clean Alternative Fuels Incentives Act of 2001. This bill extends and limits the credit of producing fuel from non-conventional sources to facilities that produce qualified fuels using technologies that provide certain environmental benefits, but only if such facilities produce enhanced value synthetic fuels from coal.

It is important to outline the goals of this legislation at the outset. The four primary goals of this bill are all very important to the future of this Nation. First, the use of alternative fuels reduces our Nation's trade imbalance and reliance on foreign energy sources. Second, the cleaner, alternative fuels emit cleaner byproduct into the environment. Third, these technologies produce jobs in the United States. Fourth, they encourage the development of technologies that will be economically viable after the short period during which the incentive is provided.

Starting with the energy crisis in the 1970s, Congress acted on numerous occasions to provide tax credits intended to develop alternative fuels. Prior sessions of Congress took these steps in recognition of the need to encourage the development and use of alternative

fuels, which they hoped would help lead our Nation towards energy independence.

Today our Nation not only needs to continue its efforts to develop alternative fuel resources, but given our constantly growing energy needs we must consider the environmental impact that conventional and non-conventional fuels have on our environment, particularly in light of the Clean Air Act.

In order to maximize the most efficient use of our Nation's reserves, this Congress needs to commit to the development of clean alternative fuels. My home State of Montana has vast coal reserves. In fact, many times our State has been referred to as the "Saudi Arabia of coal." Not only do we have vast reserves, but also with clean coal technologies we can use these resources and do little harm to the environment.

Those who say that coal is not one of the answers to energy independence because of its environmental impact are dead wrong. Coal-fired plants generate over 50 percent of our Nation's electricity. Interestingly, the Energy Information Administration, EIA, reported that Montana's emissions of nitrogen oxide, NOx, sulfur dioxide, SO2, and carbon dioxide, CO2, all decreased from 1986-1996 while producing the same amount of electricity. This proves to me that our coal technologies are improving. Folks, I believe the environmental emissions will continue to improve and if you provide incentives to help clean alternative fuels reach the marketplace, some day we will reach energy independence in this Nation.

One question that some of you may have is, "Are these proven technologies?" These are proven technologies, but to make the continued development of these technologies a reality, the Congress needs to provide meaningful incentives. The bill that I offer today accomplishes exactly that, it provides clean alternative sources of energy a real opportunity to bring energy independence to this Nation.

This bill would extend the non-conventional fuels credit for facilities that produce synthetic fuel from coal using a technology that results in: (1) Measurable reductions of certain emissions when producing the fuel or when the fuel is burned as a fuel, not including any reductions caused by dilution and (2) measurable increases in the value of coal, not including any increases caused by additives. These two factors will lead to accomplishment of the four goals I stated previously. First, the use of alternative fuels reduces our Nation's trade imbalance and reliance on foreign energy sources. Second, the technologies provide cleaner emissions into the environment. Third, these technologies produce jobs in the United States. Fourth, they encourage the development of technologies that will be economically viable after the short period during which the incentive is provided.

I hope that Members of this body will support this important piece of legislation, which helps our Nation at a time of dire need.

By Mr. BAUCUS (for himself, Mr. HATCH, Mr. GRASSLEY, Mr. MILLER, and Mr. BENNETT):

S. 1722. A bill to amend the Internal Revenue Code of 1986 to simplify the application of the excise tax imposed on bows and arrows; to the Committee on Finance.

Mr. BAUCUS. Mr. President, along with my colleagues, Senators HATCH, MILLER, and GRASSLEY, I am pleased to introduce the Arrow Excise Tax Simplification Act of 2001. This bill will protect funding for the Wildlife Restoration Program, the Pittman-Robertson fund, by simplifying administration and compliance with the excise tax and closing an unintended loophole that allows arrows assembled outside the United States to avoid the excise tax imposed on domestic manufacturers.

The creation of the Wildlife Restoration Program is one of the great success stories of cooperation among America's sportsmen and women, State fish and wildlife agencies, and the sporting goods industry. Working together with Congress, Americans who enjoy the outdoors volunteered to pay an excise tax on sporting arms and ammunition to be used for hunter education programs, wildlife restoration, and habitat conservation.

Originally the archery industry did not participate in this program. However, the growth of bow hunting in the '60s and '70s led the archery industry to decide they would support the excise tax that funds State game agencies. As a result, the tax was extended to archery equipment in 1975. The tax on archery equipment was meant to parallel the tax that hunters were paying on firearms and ammunition. The archery industry and bow hunters are pleased to contribute to the success of the Wildlife Restoration Program.

Because current law taxes components and not arrows, foreign manufacturers are selling arrows in the United States without paying the excise tax that is imposed on arrows made in the United States. Not only are these untaxed imports unfair to American workers, they threaten the integrity of the Wildlife Restoration Fund.

This issue is important to companies in Montana. Mike Ellig, a manufacturer of archery products in Bozeman, MT, pays this tax. He supports the tax, but asks that it be fair. Mike's company, Montana Black Gold, and the archery industry want to support the Wildlife Restoration Program. But the way the tax works today, American manufacturers are at a competitive disadvantage.

This legislation will close the loophole that allows imported arrows to avoid the excise tax paid by domestic manufacturers. While keeping the current 12.4 percent tax on arrow compo-

nents, the proposal will impose a tax of 12 percent on the first sale of an arrow assembled from untaxed components. U.S. manufacturers and foreign manufacturers will be treated equally.

Since this loophole was inadvertently created in 1997, archery imports, mostly finished arrows, increased from \$113,000 in 1997 to \$2,600,000 in 2001 to date. If Congress does not act quickly to close this loophole, domestic manufacturers will be forced to relocate outside of the United States. They simply cannot afford to lose market share for a fifth year to competitors who do not pay the same tax they pay. If a few more move overseas, the rest will follow. The result will be a catastrophic loss of revenue for the Federal Wildlife Restoration Fund.

Current law also taxes non-hunters, contrary to congressional intent. To relieve non-hunters from the requirement to pay for wildlife management, the legislation would eliminate the current-law tax on bows with draw weights of less than 30 pounds. Those bows are not suitable or, in many States, legal for hunting. To preserve the revenue for the Wildlife Restoration Fund, the bill would retain the current tax on bows that are suitable for hunting.

The proposal would also clarify that broadheads are an accessory taxed at 11 percent rather than as an arrow component taxed at 12.4 percent. This will correct the ambiguity in the 1997 act that led to the misclassification of broadheads.

In summary, the Arrow Excise Tax Simplification Act of 2001 would accomplish worthy objectives. It would close the loophole that allows foreign imported arrows to escape the tax and remove the tax on youth and recreational archery equipment that were never meant to be taxed. We will accomplish these goals while protecting the Wildlife Restoration Program by ensuring that there is no significant diminution of revenues collected by the archery excise tax. The Joint Committee on Taxation estimates the proposal will decrease revenues by \$5 million over ten years resulting in small changes in outlays from the Federal Aid in Wildlife Fund. Failure to close the import loophole will eviscerate the archery tax base resulting in devastating losses to the fund.

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 1723. A bill to amend the Fair Credit Reporting Act with respect to the statute of limitations on actions; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LEAHY. Mr. President, this week the U.S. Supreme Court issued a ruling interpreting a provision in the Fair Credit Reporting Act that will make it harder for Americans to protect their private financial data from identity theft. I rise today with the senior senator from Iowa to introduce the "Protect Victims of Identity Theft Act" to

provide consumers in Vermont and across America with the protections that they need and deserve. I thank Senator GRASSLEY for his leadership and look forward to working with him on this legislation.

Unfortunately, identity theft victimizes thousands of Americans every year. Once a skilled scam artist gets his hands on a consumer's Social Security or bank account number, he can wreak unimaginable havoc on a family's finances.

With society conducting more and more of its business electronically, the incidence of identity theft in America is on the rise. As of June of this year, the Federal Trade Commission reported that its identity theft hotline was answering over 1,800 calls per week, up from the 445 calls per week the hotline received in November 1999. These calls are mostly from people who have been hurt by identity theft, but thousands of others come from consumers worried about becoming an identity thief's next victim.

When Congress passed the Fair Credit Reporting Act, FCRA, more than thirty years ago, it gave consumers important tools to ensure the accuracy and privacy of their credit information. The FCRA imposed affirmative obligations on the consumer reporting agencies that maintain these reports in order to protect consumers' private information from unauthorized disclosures. The FCRA says that consumer reporting agencies must maintain "reasonable procedures" to avoid improper use of a consumer's private information.

These safeguards are essential to protect each American's confidential financial information. The FCRA demands that consumer reporting agencies require that prospective users of credit information identify themselves, certify the purposes for which they are seeking the information, and verify that they will not use the information for any other purpose, to name just a few examples. Consumer reporting agencies that fail to live up to these obligations or that are careless with consumers' private information can be held liable to consumers harmed by their security lapses.

Current law provides consumers 2 years from the "date on which the liability arises" to bring suit against a non-compliant consumer reporting agency. This week, the United States Supreme Court concluded that the term "the date on which liability arises," means the day that a consumer reporting agency fails to comply with FCRA's requirements. *TRW Inc. v. Andrews*, 2001 WL 1401902 (Nov. 13, 2001). As a result, the statute of limitations clock starts ticking whether or not a consumer is aware that information about his finances has been illegally handled or disclosed. That means that the 2-year limitations period can expire before a consumer ever even suspects that her credit information has fallen into the wrong hands.

The 750,000 Americans who annually have their identity stolen and their credit put at risk deserve better. It is unfair for the law to only protect consumers if they discover the identity theft within 2 years of the crime, even if the consumer had no reason to know about it. That stands the normal rule of discovery for fraud on its head.

Our bipartisan legislation would clarify that the statute of limitations for identity theft does not start until the consumer discovers the problem or should have discovered the problem through the exercise of reasonable diligence. The exercise of reasonable diligence is the traditional common law duty under fraud discovery rules and does not impose any new mandate or requirement on a consumer under the FCRA. This change in the law ensures that consumers have a fair opportunity to vindicate their rights.

This bipartisan legislative fix is needed to put a stop to identity theft. It will encourage consumer reporting agencies to establish proper security measures needed to deny identity thieves access to Americans' most personal financial information. It ensures that the Fair Credit Reporting Act has real teeth to fulfill its mission of protecting the accuracy and privacy of consumer credit information. And it will give consumers in Vermont and across America a fair shot at vindicating their right to keep private information away from unscrupulous con artists.

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. 1723

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protect Victims of Identity Theft Act of 2001".

SEC. 2. AMENDMENT TO THE FAIR CREDIT REPORTING ACT.

Section 618 of the Fair Credit Reporting Act (15 U.S.C. 1681p) is amended to read as follows:

"SEC. 618. JURISDICTION OF COURTS; LIMITATIONS OF ACTIONS.

"(a) IN GENERAL.—An action to enforce any liability created under this title may be brought in any appropriate United States district court, without regard to the amount in controversy, or in any other court of competent jurisdiction, not later than 2 years after the date on which the violation is discovered or should have been discovered by the exercise of reasonable diligence.

"(b) WILLFUL MISREPRESENTATION.—The limitations period prescribed in subsection (a) shall be tolled during any period during which a defendant has materially and willfully misrepresented any information required under this title to be disclosed to an individual, and the information so misrepresented is material to the establishment of the liability of the defendant to that individual under this title."

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague from Vermont in introducing a bill to protect victims of identity theft.

This legislative remedy is prompted by the sweeping impact of the Supreme Court's decision this past week on the rights of more than 750,000 Americans who annually have their identity stolen and their credit put at risk. Under current law, consumers have a two-year statute of limitations to sue credit reporting companies that fail to protect private financial information from improper disclosures and security lapses. The problem with the Supreme Court's decision is that a victim of identity theft often has no idea that information about his finances has been negligently handled or disclosed by a credit reporting company until it's too late to take any legal action. Under current law, the two year statute of limitations begins when the consumer's credit reporting company fails to comply with the law—not when the consumer discovers or should have discovered the problem.

Our bill, the Protect the Victims of Identity Theft Act of 2001, changes that rule. As stated, it simply clarifies that the statute of limitations for identity theft does not start until the consumer discovers the problem or should have discovered the problem. This change in the law ensures that consumers have a fair chance to vindicate their rights should credit reporting companies fail to take reasonable steps to protect private financial and personal information from theft and misuse.

I urge my Senate colleagues to join us in co-sponsoring this legislation to protect the American consumer.

By Ms. SNOWE:

S. 1725. A bill to require the Comptroller General to carry out a study to determine the feasibility of undertaking passenger rail transportation security programs that are similar to those of foreign countries; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, in the last two months we have experienced a steep learning curve as a country and as a Congress in our efforts to improve homeland security.

As we saw with the drafting of the airline security bill, the United States has not cornered the market on security innovations and measures; there is much we can learn from other countries that have faced or addressed the same challenges. For this reason, I am introducing legislation that would require the General Accounting Office to initiate a study examining the security measures that have worked for other regions and countries such as the European Union and Japan.

For example, the \$15 billion channel tunnel or Chunnel linking England to the European continent has been open to train service, for passengers and freight, since 1994 without a major security incident. In 2000 alone, 2.8 million cars, 7.1 million passengers, and 2.9 million tons of freight made the 31 mile journey under the English Channel safely.

Security has always been a major concern for the Chunnel and that Britain, France, and Eurotunnel, the company operating the tunnel, have made security a top priority without degrading passenger service. In fact, in addition to its private security staff provided by Eurotunnel, the Chunnel is policed by a bi-national force of police, immigration, and customs officers with armed patrols in the British and French terminals. And both the company and the respective government agencies also conduct routine intelligence-led security checks on both passenger and freight vehicles.

So I suspect that our friends in Europe, and in Asia, and other regions, may be able to provide valuable insight on how we can improve our rail transportation security. It is my intent with this bill to direct the General Accounting Office to complete, no later than January 2002, a study of rail transport security measures in other countries in an effort to seek innovative screening procedures and processes and other security measures that may be a benefit to the United States. Subsequently, an assessment of these measures would be provided to Congress.

In the hours and days after September 11, Americans discovered we are not alone in this struggle and I urge my colleagues to support this bill that encourages the United States to reach out and learn from others.

By Ms. SNOWE:

S. 1728. A bill to provide for greater security at seaports; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce the Maritime Security Advancement Act which is designed to mitigate the threat of maritime- and seaport-related terrorism.

In the aftermath of the despicable terrorist attacks of September 11, I believe it is critical that we pass the strongest possible security enhancements to our transportation system and do so as soon as possible. To this end, we have been working to enhance aviation security, and for obvious reasons, this has been one of our first and highest priorities in the wake of the recent attacks. At the same time, we must also address concerns about highway safety, rail safety, pipeline safety, and maritime and seaport security. I support efforts to close the security gaps in each and every mode in the vast national and international transportation network that is so critical to our economy, our freedom, and our way of life.

We are going to need the resources of the United States coupled with the cooperation of our global neighbors in order to wage the war against terrorism. For it is a fight we must win, and will win. The purpose of the legislation I am introducing today is to employ more tools in the fight against terrorism. Specifically, the Maritime

Security Advancement Act would direct the Secretary of Transportation, in awarding loan guarantees, grants, and other forms of financial support for research and development under the discretionary authority of the U.S. Department of Transportation, to give preference to projects with the potential to reduce the threat of maritime- and seaport-related terrorism.

For example, the legislation would promote the development of projects designed to increase the feasibility of securing cargo, sealing containers, and making cargo containers more tamper resistant; improve cargo container content labeling technologies; and provide for innovations in the physical handling of cargo in ways that could reduce the threat of terrorism aimed at our maritime transportation system.

The bill would also direct the Secretary to identify the technologies with the potential to provide the greatest security with respect to handline, labeling, sealing, and transportation of cargo and report to Congress on its findings. And the bill authorizes the Secretary to issue new rules requiring deployment of such technologies and practices in an effort to enhance security and reduce the threat of terrorism.

We must leave no stone unturned in the effort to preserve the security of this nation's transportation infrastructure, so that we might both carry on the business of the Nation and ensure our continued economic viability, and also ensure that we are in good position of strength to be able to wage the kind of war necessary to eradicate terrorism. And we cannot remain strong if we cannot remain mobile. Accordingly, I urge my colleagues to join me in supporting this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 182—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD ALLOCATE SIGNIFICANTLY MORE RESOURCES TO COMBAT GLOBAL POVERTY

Mrs. FEINSTEIN (for herself, Mr. SMITH of Oregon, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 182

Whereas the World Bank estimates that 1,200,000,000 people in the world live on less than \$1 a day, and of these, more than 550,000,000 are in South Asia, which is 40 percent of the South Asian population, and more than 290,000,000 are in sub-Saharan Africa, which is approximately 50 percent of the sub-Saharan population;

Whereas 3,000,000,000 people, about half the world's population, live on approximately \$2 a day;

Whereas 1,200,000,000 people lack access to safe drinking water;

Whereas 2,900,000,000 people have inadequate access to sanitation;

Whereas at least 1,000,000,000 people in developing nations are unemployed or underemployed;

Whereas according to a Congressional Budget Office report entitled "The Role of

Foreign Aid in Development", United States spending on foreign assistance has fluctuated from year-to-year but has been on a downward path since the 1960's;

Whereas in 1962, more than 3 percent of the Federal budget was spent on foreign assistance;

Whereas in 2001, foreign assistance amounts to 0.79 percent of the Federal budget, less than half of what it was 15 years ago, and less than a third of what it was 40 years ago;

Whereas United States foreign economic and development assistance represents less than 0.60 percent of the Federal budget;

Whereas United States foreign assistance amounts to only slightly more than 0.10 percent of Gross Domestic Product, or approximately \$30 per American citizen per year;

Whereas according to the Organization for Economic Cooperation and Development, the United States in recent years has ranked next to last among 21 industrialized donor countries in per capita foreign assistance spending; and

Whereas reducing poverty, promoting equitable economic growth, and developing democratic institutions advances United States national security interests, and the failure to address these issues, and the resulting social, economic, and political instability and violence, places United States national security interests and the welfare and safety of United States citizens at risk: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) widespread poverty in developing nations contributes to social, economic, and political instability and violence which can lead to failed states and the conditions in which terrorist recruitment and terrorist organizations flourish;

(2) United States bilateral assistance programs and contributions to multilateral assistance programs must be robust enough to effectively address development needs;

(3) the United States, the world's wealthiest, most powerful Nation, in order to promote its humanitarian, economic, and security interests around the world, should increase foreign assistance spending by at least 25 percent per year for the next 5 years, and with the goal of reaching an amount equal to or exceeding 3 percent of the Federal budget by 2010; and

(4) the Administrator of the United States Agency for International Development should—

(A) conduct a top-to-bottom evaluation of current foreign assistance efforts to evaluate effectiveness;

(B) work with private voluntary organizations, foundations, and corporations to identify areas where increased, targeted foreign assistance could help reduce poverty, and promote equitable economic growth and the development of democratic institutions; and

(C) not later than 6 months after the date of adoption of this resolution, submit a report to the appropriate committees in Congress describing the Administrator's findings and recommendations for foreign assistance funding and policies to reduce poverty, and promote equitable economic growth and the development of democratic institutions.

SENATE RESOLUTION 183—EXPRESSING THE SENSE OF THE SENATE REGARDING THE ESTABLISHMENT OF A NATIONAL WORDS CAN HEAL DAY

Mr. REID (for himself, Mr. BROWNBACK, Mr. SCHUMER, Mr. DASCHLE, Mr. LIEBERMAN, Mrs. BOXER, Mr. MCCAIN, Mr. CLELAND, Mr. DORGAN, Mr. JOHNSON, Mr. LEVIN, and Ms. MI-

KULSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 183

Whereas the Jerusalem Fund has launched a Words Can Heal Campaign on September 4, 2001, to reduce verbal violence and gossip and to promote the value and practice of ethical speech in order to improve our democracy, build mutual respect, honor, and dignity in our country;

Whereas words used unfairly, whether expressed through excessive anger, unfair criticism, public and private humiliation, bigoted comments, cruel jokes, or rumors and malicious gossip, can traumatize and damage many lives;

Whereas an unwillingness or inability of many parents to control what they say when angry causes the infliction of potentially damaging verbal abuse on children;

Whereas bigoted words are often used to dehumanize entire religious, racial, and ethnic groups, and can inflame hostility;

Whereas the spreading of negative often unfair, untrue, or exaggerated, comments or rumors about others often inflicts irrevocable damage on the victim of such rumors:

Whereas the Words Can Heal Campaign will raise awareness regarding the damage that can be caused by destructive language; and

Whereas, the Senate supports the goals of the Words Can Heal Campaign: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) the Senate supports the goals of the Words Can Heal Campaign; and

(2) the President should issue a proclamation calling on the people of the United States to support the goals of such campaign with appropriate programs and activities.

SENATE CONCURRENT RESOLUTION 85—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. DASCHLE submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 85

Resolved by the Senate (the House of Representatives concurring), That when the House adjourns on the legislative day of Friday, November 16, 2001, Saturday, November 17, 2001, Monday, November 19, 2001, or Tuesday, November 20, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, November 27, 2001, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Friday, November 16, 2001, or Saturday, November 17, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, November 27, 2001, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader

of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2163. Mr. TORRICELLI (for Mr. BAUCUS) proposed an amendment to the bill H.R. 2884, An act to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States, and for other purposes.

SA 2164. Mr. REID (for Mr. KERRY) proposed an amendment to the bill S. 174, to amend the Small Business Act with respect to the microloan program, and for other purposes.

SA 2165. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2163. Mr. TORRICELLI (for Mr. BAUCUS) proposed an amendment to the bill H.R. 2884, an act to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; ETC.

(a) **SHORT TITLE.**—This Act may be cited as the “Victims of Terrorism Tax Relief Act of 2001”.

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—RELIEF PROVISIONS FOR VICTIMS OF TERRORIST ATTACKS

Sec. 101. Income and employment taxes of victims of terrorist attacks.

Sec. 102. Estate tax reduction.

Sec. 103. Payments by charitable organizations treated as exempt payments.

Sec. 104. Exclusion of certain cancellations of indebtedness.

Sec. 105. Treatment of certain structured settlement payments and disability trusts.

Sec. 106. No impact on social security trust funds.

TITLE II—GENERAL RELIEF FOR VICTIMS OF DISASTERS AND TERRORISTIC OR MILITARY ACTIONS

Sec. 201. Exclusion for disaster relief payments.

Sec. 202. Authority to postpone certain deadlines and required actions.

Sec. 203. Internal Revenue Service disaster response team.

Sec. 204. Application of certain provisions to terroristic or military actions.

Sec. 205. Clarification of due date for airline excise tax deposits.

Sec. 206. Coordination with Air Transportation Safety and System Stabilization Act.

TITLE III—DISCLOSURE OF TAX INFORMATION IN TERRORISM AND NATIONAL SECURITY INVESTIGATIONS

Sec. 301. Disclosure of tax information in terrorism and national security investigations.

TITLE I—RELIEF PROVISIONS FOR VICTIMS OF TERRORIST ATTACKS

SEC. 101. INCOME AND EMPLOYMENT TAXES OF VICTIMS OF TERRORIST ATTACKS.

(a) **IN GENERAL.**—Section 692 (relating to income taxes of members of Armed Forces on death) is amended by adding at the end the following new subsection:

“(d) **INDIVIDUALS DYING AS A RESULT OF CERTAIN TERRORIST ATTACKS.**—

“(1) **IN GENERAL.**—In the case of any individual who dies as a result of wounds or injury incurred as a result of the terrorist attacks against the United States on April 19, 1995, or September 11, 2001, or who dies as a result of illness incurred as a result of a terrorist attack involving anthrax occurring on or after September 11, 2001, and before January 1, 2002, any tax imposed by this subtitle shall not apply—

“(A) with respect to the taxable year in which falls the date of such individual’s death, and

“(B) with respect to any prior taxable year in the period beginning with the last taxable year ending before the taxable year in which the wounds, injury, or illness were incurred.

“(2) **EXCEPTIONS.**—

“(A) **TAXATION OF CERTAIN BENEFITS.**—Subject to such rules as the Secretary may prescribe, paragraph (1) shall not apply to the amount of any tax imposed by this subtitle which would be computed by only taking into account the items of income, gain, or other amounts attributable to—

“(i) amounts payable in the taxable year by reason of the death of an individual described in paragraph (1) which would have been payable in such taxable year if the death had occurred by reason of an event other than an event described in paragraph (1), or

“(ii) amounts payable in the taxable year which would not have been payable in such taxable year but for an action taken after the date of the applicable terrorist attack.

“(B) **NO RELIEF FOR PERPETRATORS.**—Paragraph (1) shall not apply with respect to any individual identified by the Attorney General to have been a participant or conspirator in any event described in paragraph (1), or a representative of such individual.”.

(b) **REFUND OF OTHER TAXES PAID.**—Section 692, as amended by subsection (a), is amended by adding at the end the following new subsection:

“(e) **REFUND OF OTHER TAXES PAID.**—In determining the amount of tax under this section to be credited or refunded as an overpayment with respect to any individual for any period, such amount shall be increased by an amount equal to the amount of taxes imposed and collected under chapter 21 and sections 3201(a), 3211(a)(1), and 3221(a) with respect to such individual for such period.”.

(c) **CONFORMING AMENDMENTS.**—

(1) Section 5(b)(1) is amended by inserting “and victims of certain terrorist attacks” before “on death”.

(2) Section 6013(f)(2)(B) is amended by inserting “and victims of certain terrorist attacks” before “on death”.

(d) **CLERICAL AMENDMENTS.**—

(1) The heading of section 692 is amended to read as follows:

“**SEC. 692. INCOME AND EMPLOYMENT TAXES OF MEMBERS OF ARMED FORCES AND VICTIMS OF CERTAIN TERRORIST ATTACKS ON DEATH.**”.

(2) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 is amended to read as follows:

“Sec. 692. Income and employment taxes of members of Armed Forces and victims of certain terrorist attacks on death.”.

(e) **EFFECTIVE DATE; WAIVER OF LIMITATIONS.**—

(1) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years ending before, on, or after September 11, 2001.

(2) **WAIVER OF LIMITATIONS.**—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 102. ESTATE TAX REDUCTION.

(a) **IN GENERAL.**—Section 2201 is amended to read as follows:

“**SEC. 2201. COMBAT ZONE-RELATED DEATHS OF MEMBERS OF THE ARMED FORCES AND DEATHS OF VICTIMS OF CERTAIN TERRORIST ATTACKS.**

“(a) **IN GENERAL.**—Unless the executor elects not to have this section apply, in applying section 2001 to the estate of a qualified decedent, the rate schedule set forth in subsection (c) shall be deemed to be the rate schedule set forth in section 2001(c).

“(b) **QUALIFIED DECEDENT.**—For purposes of this section, the term ‘qualified decedent’ means—

“(1) any citizen or resident of the United States dying while in active service of the Armed Forces of the United States, if such decedent—

“(A) was killed in action while serving in a combat zone, as determined under section 112(c), or

“(B) died as a result of wounds, disease, or injury suffered while serving in a combat zone (as determined under section 112(c)), and while in the line of duty, by reason of a hazard to which such decedent was subjected as an incident of such service, or

“(2) any individual who died as a result of wounds or injury incurred as a result of the terrorist attacks against the United States on April 19, 1995, or September 11, 2001, or who died as a result of illness incurred as a result of a terrorist attack involving anthrax occurring on or after September 11, 2001, and before January 1, 2002. Paragraph (2) shall not apply with respect to any individual identified by the Attorney General to have been a participant or conspirator in any such terrorist attack, or a representative of such individual.

“(c) **RATE SCHEDULE.**—

“If the amount with respect to which the tentative tax to be computed is:	The tentative tax is:
Not over \$150,000	1 percent of the amount by which such amount exceeds \$100,000.
Over \$150,000 but not over \$200,000.	\$500 plus 2 percent of the excess over \$150,000.
Over \$200,000 but not over \$300,000.	\$1,500 plus 3 percent of the excess over \$200,000.
Over \$300,000 but not over \$500,000.	\$4,500 plus 4 percent of the excess over \$300,000.
Over \$500,000 but not over \$700,000.	\$12,500 plus 5 percent of the excess over \$500,000.
Over \$700,000 but not over \$900,000.	\$22,500 plus 6 percent of the excess over \$700,000.
Over \$900,000 but not over \$1,100,000.	\$34,500 plus 7 percent of the excess over \$900,000.
Over \$1,100,000 but not over \$1,600,000.	\$48,500 plus 8 percent of the excess over \$1,100,000.
Over \$1,600,000 but not over \$2,100,000.	\$88,500 plus 9 percent of the excess over \$1,600,000.
Over \$2,100,000 but not over \$2,600,000.	\$133,500 plus 10 percent of the excess over \$2,100,000.

"If the amount with respect to which the tentative tax to be computed is:		The tentative tax is:	
Over \$2,600,000 but not over \$3,100,000.	but not	\$183,500 plus 11 percent of the excess over \$2,600,000.	
Over \$3,100,000 but not over \$3,600,000.	but not	\$238,500 plus 12 percent of the excess over \$3,100,000.	
Over \$3,600,000 but not over \$4,100,000.	but not	\$298,500 plus 13 percent of the excess over \$3,600,000.	
Over \$4,100,000 but not over \$5,100,000.	but not	\$363,500 plus 14 percent of the excess over \$4,100,000.	
Over \$5,100,000 but not over \$6,100,000.	but not	\$503,500 plus 15 percent of the excess over \$5,100,000.	
Over \$6,100,000 but not over \$7,100,000.	but not	\$653,500 plus 16 percent of the excess over \$6,100,000.	
Over \$7,100,000 but not over \$8,100,000.	but not	\$813,500 plus 17 percent of the excess over \$7,100,000.	
Over \$8,100,000 but not over \$9,100,000.	but not	\$983,500 plus 18 percent of the excess over \$8,100,000.	
Over \$9,100,000 but not over \$10,100,000.	but not	\$1,163,500 plus 19 percent of the excess over \$9,100,000.	
Over \$10,100,000		\$1,353,500 plus 20 percent of the excess over \$10,100,000.	

"(d) DETERMINATION OF UNIFIED CREDIT.—In the case of an estate to which this section applies, subsection (a) shall not apply in determining the credit under section 2010."

(b) CONFORMING AMENDMENTS.—

(1) Section 2011 is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(2) Section 2053(d)(3)(B) is amended by striking "section 2011(e)" and inserting "section 2011(d)".

(3) Paragraph (9) of section 532(c) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) CLERICAL AMENDMENT.—The item relating to section 2201 in the table of sections for subchapter C of chapter 11 is amended to read as follows:

"Sec. 2201. Combat zone-related deaths of members of the Armed Forces and deaths of victims of certain terrorist attacks."

(d) EFFECTIVE DATE; WAIVER OF LIMITATIONS.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents—

(A) dying on or after September 11, 2001, and

(B) in the case of individuals dying as a result of the April 19, 1995, terrorist attack, dying on or after April 19, 1995.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 103. PAYMENTS BY CHARITABLE ORGANIZATIONS TREATED AS EXEMPT PAYMENTS.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986—

(1) payments made by an organization described in section 501(c)(3) of such Code by reason of the death, injury, wounding, or illness of an individual incurred as the result of the terrorist attacks against the United States on September 11, 2001, or a terrorist attack involving anthrax occurring on or after September 11, 2001, and before January 1, 2002, shall be treated as related to the purpose or function constituting the basis for

such organization's exemption under section 501 of such Code if such payments are made using an objective formula which is consistently applied, and

(2) in the case of a private foundation (as defined in section 509 of such Code), any payment described in paragraph (1) shall not be treated as made to a disqualified person for purposes of section 4941 of such Code.

(b) EFFECTIVE DATE.—This section shall apply to payments made on or after September 11, 2001.

SEC. 104. EXCLUSION OF CERTAIN CANCELLATIONS OF INDEBTEDNESS.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986—

(1) gross income shall not include any amount which (but for this section) would be includible in gross income by reason of the discharge (in whole or in part) of indebtedness of any taxpayer if the discharge is by reason of the death of an individual incurred as the result of the terrorist attacks against the United States on September 11, 2001, or a terrorist attack involving anthrax occurring on or after September 11, 2001, and before January 1, 2002, and

(2) return requirements under section 6050P of such Code shall not apply to any discharge described in paragraph (1).

(b) EFFECTIVE DATE.—This section shall apply to discharges made on or after September 11, 2001, and before January 1, 2002.

SEC. 105. TREATMENT OF CERTAIN STRUCTURED SETTLEMENT PAYMENTS AND DISABILITY TRUSTS.

(a) IMPOSITION OF EXCISE TAX ON PERSONS WHO ACQUIRE CERTAIN STRUCTURED SETTLEMENT PAYMENTS IN FACTORING TRANSACTIONS.—

(1) IN GENERAL.—Subtitle E is amended by adding at the end the following new chapter:

"CHAPTER 55—STRUCTURED

SETTLEMENT FACTORING TRANSACTIONS

"Sec. 5891. Structured settlement factoring transactions for certain victims of terrorism.

"SEC. 5891. STRUCTURED SETTLEMENT FACTORING TRANSACTIONS FOR CERTAIN VICTIMS OF TERRORISM.

"(a) IMPOSITION OF TAX.—There is hereby imposed on any person who acquires directly or indirectly structured settlement payment rights in a structured settlement factoring transaction a tax equal to 40 percent of the factoring discount as determined under subsection (c)(4) with respect to such factoring transaction.

"(b) EXCEPTION FOR CERTAIN APPROVED TRANSACTIONS.—

"(1) IN GENERAL.—The tax under subsection (a) shall not apply in the case of a structured settlement factoring transaction in which the transfer of structured settlement payment rights is approved in advance in a qualified order.

"(2) QUALIFIED ORDER.—For purposes of this section, the term 'qualified order' means a final order, judgment, or decree which—

"(A) finds that the transfer described in paragraph (1)—

"(i) does not contravene any Federal or State statute or the order of any court or responsible administrative authority, and

"(ii) is in the best interest of the payee, taking into account the welfare and support of the payee's dependents, and

"(B) is issued—

"(i) under the authority of an applicable State statute by an applicable State court, or

"(ii) by the responsible administrative authority (if any) which has exclusive jurisdiction over the underlying action or proceeding which was resolved by means of the structured settlement.

"(3) APPLICABLE STATE STATUTE.—For purposes of this section, the term 'applicable

State statute' means a statute providing for the entry of an order, judgment, or decree described in paragraph (2)(A) which is enacted by—

"(A) the State in which the payee of the structured settlement is domiciled, or

"(B) if there is no statute described in subparagraph (A), the State in which either the party to the structured settlement (including an assignee under a qualified assignment under section 130) or the person issuing the funding asset for the structured settlement is domiciled or has its principal place of business.

"(4) APPLICABLE STATE COURT.—For purposes of this section—

"(A) IN GENERAL.—The term 'applicable State court' means, with respect to any applicable State statute, a court of the State which enacted such statute.

"(B) SPECIAL RULE.—In the case of an applicable State statute described in paragraph (3)(B), such term also includes a court of the State in which the payee of the structured settlement is domiciled.

"(5) QUALIFIED ORDER DISPOSITIVE.—A qualified order shall be treated as dispositive for purposes of the exception under this subsection.

"(c) DEFINITIONS.—For purposes of this section—

"(1) STRUCTURED SETTLEMENT.—The term 'structured settlement' means an arrangement—

"(A) which is established by—

"(i) suit or agreement for the periodic payment of damages excludable from the gross income of the recipient under section 104(a)(2), or

"(ii) agreement for the periodic payment of compensation under any workers' compensation law excludable from the gross income of the recipient under section 104(a)(1), and

"(B) under which the periodic payments are—

"(i) of the character described in subparagraphs (A) and (B) of section 130(c)(2), and

"(ii) payable by a person who is a party to the suit or agreement or to the workers' compensation claim or by a person who has assumed the liability for such periodic payments under a qualified assignment in accordance with section 130.

"(2) STRUCTURED SETTLEMENT PAYMENT RIGHTS.—The term 'structured settlement payment rights' means rights to receive payments under a structured settlement relating to claims for death, wounding, injury, or illness as a result of the terrorist attacks against the United States on September 11, 2001, or a terrorist attack involving anthrax occurring on or after September 11, 2001, and before January 1, 2002.

"(3) STRUCTURED SETTLEMENT FACTORING TRANSACTION.—

"(A) IN GENERAL.—The term 'structured settlement factoring transaction' means a transfer of structured settlement payment rights (including portions of structured settlement payments) made for consideration by means of sale, assignment, pledge, or other form of encumbrance or alienation for consideration.

"(B) EXCEPTION.—Such term shall not include—

"(i) the creation or perfection of a security interest in structured settlement payment rights under a blanket security agreement entered into with an insured depository institution in the absence of any action to redirect the structured settlement payments to such institution (or agent or successor thereof) or otherwise to enforce such blanket security interest as against the structured settlement payment rights, or

"(ii) a subsequent transfer of structured settlement payment rights acquired in a structured settlement factoring transaction.

“(4) FACTORING DISCOUNT.—The term ‘factoring discount’ means an amount equal to the excess of—

“(A) the aggregate undiscounted amount of structured settlement payments being acquired in the structured settlement factoring transaction, over

“(B) the total amount actually paid by the acquirer to the person from whom such structured settlement payments are acquired.

“(5) RESPONSIBLE ADMINISTRATIVE AUTHORITY.—The term ‘responsible administrative authority’ means the administrative authority which had jurisdiction over the underlying action or proceeding which was resolved by means of the structured settlement.

“(6) STATE.—The term ‘State’ includes the Commonwealth of Puerto Rico and any possession of the United States.

“(d) COORDINATION WITH OTHER PROVISIONS.—

“(1) IN GENERAL.—If the applicable requirements of sections 72, 104(a)(1), 104(a)(2), 130, and 461(h) were satisfied at the time the structured settlement involving structured settlement payment rights was entered into, the subsequent occurrence of a structured settlement factoring transaction shall not affect the application of the provisions of such sections to the parties to the structured settlement (including an assignee under a qualified assignment under section 130) in any taxable year.

“(2) NO WITHHOLDING OF TAX.—The provisions of section 3405 regarding withholding of tax shall not apply to the person making the payments in the event of a structured settlement factoring transaction.

“(3) NO INFERENCE.—No inference shall be drawn from the application of this subsection to only those payment rights described in subsection (c)(2).”.

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle E is amended by adding at the end the following new item:

“Chapter 55. Structured settlement factoring transactions.”.

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendments made by this subsection (other than the provisions of section 5891(d) of the Internal Revenue Code of 1986, as added by this subsection) shall apply to structured settlement factoring transactions (as defined in section 5891(c) of such Code (as so added)) entered into on or after the 30th day following the date of the enactment of this Act.

(B) CLARIFICATION OF EXISTING LAW.—Section 5891(d) of such Code (as so added) shall apply to structured settlement factoring transactions (as defined in section 5891(c) of such Code (as so added)) entered into on or after such 30th day.

(C) TRANSITION RULE.—In the case of a structured settlement factoring transaction entered into during the period beginning on the 30th day following the date of the enactment of this Act and ending on July 1, 2002, no tax shall be imposed under section 5891(a) of such Code if—

(i) the structured settlement payee is domiciled in a State (or possession of the United States) which has not enacted a statute providing that the structured settlement factoring transaction is ineffective unless the transaction has been approved by an order, judgment, or decree of a court (or where applicable, a responsible administrative authority) which finds that such transaction—

(I) does not contravene any Federal or State statute or the order of any court (or responsible administrative authority), and

(II) is in the best interest of the structured settlement payee or is appropriate in light of a hardship faced by the payee, and

(ii) the person acquiring the structured settlement payment rights discloses to the structured settlement payee in advance of the structured settlement factoring transaction the amounts and due dates of the payments to be transferred, the aggregate amount to be transferred, the consideration to be received by the structured settlement payee for the transferred payments, the discounted present value of the transferred payments (including the present value as determined in the manner described in section 7520 of such Code), and the expenses required under the terms of the structured settlement factoring transaction to be paid by the structured settlement payee or deducted from the proceeds of such transaction.

(b) PERSONAL EXEMPTION DEDUCTION FOR CERTAIN DISABILITY TRUSTS.—

(1) IN GENERAL.—Section 642(b) (relating to deduction for personal exemption) is amended—

(A) by striking “An estate” and inserting:

“(1) IN GENERAL.—An estate”, and

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

“(2) FULL PERSONAL EXEMPTION AMOUNT FOR CERTAIN DISABILITY TRUSTS.—Paragraph (1) shall not apply, and the deduction under section 151 shall apply, to any disability trust described in subsection (c)(2)(B)(iv), (d)(4)(A), or (d)(4)(C) of section 1917 of the Social Security Act (42 U.S.C. 1396p) for a beneficiary disabled as the result of a wounding, injury, or illness as a result of the terrorist attacks against the United States on April 19, 1995, or September 11, 2001, or a terrorist attack involving anthrax occurring on or after September 11, 2001, and before January 1, 2002.”.

(2) EFFECTIVE DATE; WAIVER OF LIMITATIONS.—

(A) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years ending before, on, or after September 11, 2001.

(B) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this subsection is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 106. NO IMPACT ON SOCIAL SECURITY TRUST FUND.

(a) IN GENERAL.—Nothing in this title (or an amendment made by this title) shall be construed to alter or amend title II of the Social Security Act (or any regulation promulgated under that Act).

(b) TRANSFERS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this Act has on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury estimates that the enactment of this Act has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of this Act.

TITLE II—GENERAL RELIEF FOR VICTIMS OF DISASTERS AND TERRORISTIC OR MILITARY ACTIONS

SEC. 201. EXCLUSION FOR DISASTER RELIEF PAYMENTS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by redesignating section 139 as section 140 and inserting after section 138 the following new section:

“SEC. 139. DISASTER RELIEF PAYMENTS.

“(a) GENERAL RULE.—Gross income shall not include—

“(1) any amount received as payment under section 406 of the Air Transportation Safety and System Stabilization Act, or

“(2) any amount received by an individual as a qualified disaster relief payment.

“(b) QUALIFIED DISASTER RELIEF PAYMENT DEFINED.—For purposes of this section, the term ‘qualified disaster relief payment’ means any amount paid to or for the benefit of an individual—

“(1) to reimburse or pay reasonable and necessary personal, family, living, or funeral expenses incurred as a result of a qualified disaster,

“(2) to reimburse or pay reasonable and necessary expenses incurred for the repair or rehabilitation of a personal residence or repair or replacement of its contents to the extent that the need for such repair, rehabilitation, or replacement is attributable to a qualified disaster,

“(3) by a person engaged in the furnishing or sale of transportation as a common carrier by reason of the death or personal physical injuries incurred as a result of a qualified disaster, or

“(4) if such amount is paid by a Federal, State, or local government, or agency or instrumentality thereof, in connection with a qualified disaster in order to promote the general welfare,

but only to the extent any expense compensated by such payment is not otherwise compensated for by insurance or otherwise.

“(c) QUALIFIED DISASTER DEFINED.—For purposes of this section, the term ‘qualified disaster’ means—

“(1) a disaster which results from a terrorist or military action (as defined in section 692(c)(2)),

“(2) a Presidentially declared disaster (as defined in section 1033(h)(3)),

“(3) a disaster which results from an accident involving a common carrier, or from any other event, which is determined by the Secretary to be of a catastrophic nature, or

“(4) with respect to amounts described in subsection (b)(4), a disaster which is determined by an applicable Federal, State, or local authority (as determined by the Secretary) to warrant assistance from the Federal, State, or local government or agency or instrumentality thereof.

“(d) COORDINATION WITH EMPLOYMENT TAXES.—For purposes of chapter 2 and subtitle C, a qualified disaster relief payment shall not be treated as net earnings from self-employment, wages, or compensation subject to tax.

“(e) NO RELIEF FOR CERTAIN INDIVIDUALS.—Subsection (a) shall not apply with respect to any individual identified by the Attorney General to have been a participant or conspirator in a terroristic action (as so defined), or a representative of such individual.”.

(b) CONFORMING AMENDMENTS.—The table of sections for part III of subchapter B of chapter 1 is amended by striking the item relating to section 139 and inserting the following new items:

“Sec. 139. Disaster relief payments.

“Sec. 140. Cross references to other Acts.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

SEC. 202. AUTHORITY TO POSTPONE CERTAIN DEADLINES AND REQUIRED ACTIONS.

(a) **EXPANSION OF AUTHORITY RELATING TO DISASTERS AND TERRORISTIC OR MILITARY ACTIONS.**—Section 7508A is amended to read as follows:

“SEC. 7508A. AUTHORITY TO POSTPONE CERTAIN DEADLINES BY REASON OF PRESIDENTIALLY DECLARED DISASTER OR TERRORISTIC OR MILITARY ACTIONS.

“(a) **IN GENERAL.**—In the case of a taxpayer determined by the Secretary to be affected by a Presidentially declared disaster (as defined in section 1033(h)(3)) or a terroristic or military action (as defined in section 692(c)(2)), the Secretary may specify a period of up to one year that may be disregarded in determining, under the internal revenue laws, in respect of any tax liability of such taxpayer—

“(1) whether any of the acts described in paragraph (1) of section 7508(a) were performed within the time prescribed therefor (determined without regard to extension under any other provision of this subtitle for periods after the date (determined by the Secretary) of such disaster or action),

“(2) the amount of any interest, penalty, additional amount, or addition to the tax for periods after such date, and

“(3) the amount of any credit or refund.

“(b) **SPECIAL RULES REGARDING PENSIONS, ETC.**—In the case of a pension or other employee benefit plan, or any sponsor, administrator, participant, beneficiary, or other person with respect to such plan, affected by a disaster or action described in subsection (a), the Secretary may specify a period of up to one year which may be disregarded in determining the date by which any action is required or permitted to be completed under this title. No plan shall be treated as failing to be operated in accordance with the terms of the plan solely as the result of disregarding any period by reason of the preceding sentence.

“(c) **SPECIAL RULES FOR OVERPAYMENTS.**—The rules of section 7508(b) shall apply for purposes of this section.”.

(b) **CLARIFICATION OF SCOPE OF ACTS SECRETARY MAY POSTPONE.**—Section 7508(a)(1)(K) (relating to time to be disregarded) is amended by striking “in regulations prescribed under this section”.

(c) **CONFORMING AMENDMENTS TO ERISA.**—

(1) Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131 et seq.) is amended by adding at the end the following new section:

“SEC. 518. AUTHORITY TO POSTPONE CERTAIN DEADLINES BY REASON OF PRESIDENTIALLY DECLARED DISASTER OR TERRORISTIC OR MILITARY ACTIONS.

“In the case of a pension or other employee benefit plan, or any sponsor, administrator, participant, beneficiary, or other person with respect to such plan, affected by a Presidentially declared disaster (as defined in section 1033(h)(3) of the Internal Revenue Code of 1986) or a terroristic or military action (as defined in section 692(c)(2) of such Code), the Secretary may, notwithstanding any other provision of law, prescribe, by notice or otherwise, a period of up to one year which may be disregarded in determining the date by which any action is required or permitted to be completed under this Act. No plan shall be treated as failing to be operated in accordance with the terms of the plan solely as the result of disregarding any period by reason of the preceding sentence.”.

(2) Section 4002 of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302) is

amended by adding at the end the following new subsection:

“(i) **SPECIAL RULES REGARDING DISASTERS, ETC.**—In the case of a pension or other employee benefit plan, or any sponsor, administrator, participant, beneficiary, or other person with respect to such plan, affected by a Presidentially declared disaster (as defined in section 1033(h)(3) of the Internal Revenue Code of 1986) or a terroristic or military action (as defined in section 692(c)(2) of such Code), the corporation may, notwithstanding any other provision of law, prescribe, by notice or otherwise, a period of up to one year which may be disregarded in determining the date by which any action is required or permitted to be completed under this Act. No plan shall be treated as failing to be operated in accordance with the terms of the plan solely as the result of disregarding any period by reason of the preceding sentence.”.

(d) **ADDITIONAL CONFORMING AMENDMENTS.**—

(1) Section 6404 is amended—

(A) by striking subsection (h),

(B) by redesignating subsection (i) as subsection (h), and

(C) by adding at the end the following new subsection:

“(i) **CROSS REFERENCE.**—

“For authority of the Secretary to abate certain amounts by reason of Presidentially declared disaster or terroristic or military action, see section 7508A.”.

(2) Section 6081(c) is amended to read as follows:

“(c) **CROSS REFERENCES.**—

“For time for performing certain acts postponed by reason of war, see section 7508, and by reason of Presidentially declared disaster or terroristic or military action, see section 7508A.”.

(3) Section 6161(d) is amended by adding at the end the following new paragraph:

“(3) **POSTPONEMENT OF CERTAIN ACTS.**—

“For time for performing certain acts postponed by reason of war, see section 7508, and by reason of Presidentially declared disaster or terroristic or military action, see section 7508A.”.

(d) **CLERICAL AMENDMENTS.**—

(1) The item relating to section 7508A in the table of sections for chapter 77 is amended to read as follows:

“Sec. 7508A. Authority to postpone certain deadlines by reason of Presidentially declared disaster or terroristic or military actions.”.

(2) The table of contents for the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 517 the following new item:

“Sec. 518. Authority to postpone certain deadlines by reason of Presidentially declared disaster or terroristic or military actions.”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to disasters and terroristic or military actions occurring on or after September 11, 2001, with respect to any action of the Secretary of the Treasury, the Secretary of Labor, or the Pension Benefit Guaranty Corporation occurring on or after the date of the enactment of this Act.

SEC. 203. INTERNAL REVENUE SERVICE DISASTER RESPONSE TEAM.

(a) **IN GENERAL.**—Section 7508A, as amended by section 202(a), is amended by adding at the end the following new subsection:

“(d) **DUTIES OF DISASTER RESPONSE TEAM.**—The Secretary shall establish as a permanent

office in the national office of the Internal Revenue Service a disaster response team which, in coordination with the Federal Emergency Management Agency, shall assist taxpayers in clarifying and resolving Federal tax matters associated with or resulting from any Presidentially declared disaster (as defined in section 1033(h)(3)) or a terroristic or military action (as defined in section 692(c)(2)).”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 204. APPLICATION OF CERTAIN PROVISIONS TO TERRORISTIC OR MILITARY ACTIONS.

(a) **EXCLUSION FOR DEATH BENEFITS.**—Section 101 (relating to certain death benefits) is amended by adding at the end the following new subsection:

“(i) **CERTAIN EMPLOYEE DEATH BENEFITS PAYABLE BY REASON OF DEATH FROM TERRORISTIC OR MILITARY ACTIONS.**—

“(1) **IN GENERAL.**—Gross income does not include amounts which are received (whether in a single sum or otherwise) if such amounts are paid by an employer by reason of the death of an employee incurred as a result of a terroristic or military action (as defined in section 692(c)(2)).

“(2) **NO RELIEF FOR CERTAIN INDIVIDUALS.**—Paragraph (1) shall not apply with respect to any individual identified by the Attorney General to have been a participant or conspirator in a terroristic action (as so defined), or a representative of such individual.

“(3) **TREATMENT OF SELF-EMPLOYED INDIVIDUALS.**—For purposes of this subsection, the term ‘employee’ includes a self-employed person (as described in section 401(c)(1)).”.

(b) **DISABILITY INCOME.**—Section 104(a)(5) (relating to compensation for injuries or sickness) is amended by striking “a violent attack” and all that follows through the period and inserting “a terroristic or military action (as defined in section 692(c)(2)).”.

(c) **EXEMPTION FROM INCOME TAX FOR CERTAIN MILITARY OR CIVILIAN EMPLOYEES.**—Section 692(c) is amended—

(1) by striking “outside the United States” in paragraph (1), and

(2) by striking “SUSTAINED OVERSEAS” in the heading.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

SEC. 205. CLARIFICATION OF DUE DATE FOR AIRLINE EXCISE TAX DEPOSITS.

(a) **IN GENERAL.**—Paragraph (3) of section 301(a) of the Air Transportation Safety and System Stabilization Act (Public Law 107-42) is amended to read as follows:

“(3) **AIRLINE-RELATED DEPOSIT.**—For purposes of this subsection, the term ‘airline-related deposit’ means any deposit of taxes imposed by subchapter C of chapter 33 of such Code (relating to transportation by air).”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if included in section 301 of the Air Transportation Safety and System Stabilization Act (Public Law 107-42).

SEC. 206. COORDINATION WITH AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT.

No reduction in Federal tax liability by reason of any provision of, or amendment made by, this Act shall be considered as being received from a collateral source for purposes of section 402(4) of the Air Transportation Safety and System Stabilization Act (Public Law 107-42).

TITLE III—DISCLOSURE OF TAX INFORMATION IN TERRORISM AND NATIONAL SECURITY INVESTIGATIONS

SEC. 301. DISCLOSURE OF TAX INFORMATION IN TERRORISM AND NATIONAL SECURITY INVESTIGATIONS.

(a) DISCLOSURE WITHOUT A REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES, ETC.—Paragraph (3) of section 6103(i) (relating to disclosure of return information to apprise appropriate officials of criminal activities or emergency circumstances) is amended by adding at the end the following new subparagraph:

“(C) TERRORIST ACTIVITIES, ETC.—

“(i) IN GENERAL.—Except as provided in paragraph (6), the Secretary may disclose in writing return information (other than taxpayer return information) that may be related to a terrorist incident, threat, or activity to the extent necessary to apprise the head of the appropriate Federal law enforcement agency responsible for investigating or responding to such terrorist incident, threat, or activity. The head of the agency may disclose such return information to officers and employees of such agency to the extent necessary to investigate or respond to such terrorist incident, threat, or activity.

“(ii) DISCLOSURE TO THE DEPARTMENT OF JUSTICE.—Returns and taxpayer return information may also be disclosed to the Attorney General under clause (i) to the extent necessary for, and solely for use in preparing, an application under paragraph (7)(D).

“(iii) TAXPAYER IDENTITY.—For purposes of this subparagraph, a taxpayer's identity shall not be treated as taxpayer return information.

“(iv) TERMINATION.—No disclosure may be made under this subparagraph after December 31, 2003.”

(b) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES, ETC.—Subsection (i) of section 6103 (relating to disclosure to Federal officers or employees for administration of Federal laws not relating to tax administration) is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

“(7) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES, ETC.—

“(A) DISCLOSURE TO LAW ENFORCEMENT AGENCIES.—

“(i) IN GENERAL.—Except as provided in paragraph (6), upon receipt by the Secretary of a written request which meets the requirements of clause (iii), the Secretary may disclose return information (other than taxpayer return information) to officers and employees of any Federal law enforcement agency who are personally and directly engaged in the response to or investigation of any terrorist incident, threat, or activity.

“(ii) DISCLOSURE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.—The head of any Federal law enforcement agency may disclose return information obtained under clause (i) to officers and employees of any State or local law enforcement agency but only if such agency is part of a team with the Federal law enforcement agency in such response or investigation and such information is disclosed only to officers and employees who are personally and directly engaged in such response or investigation.

“(iii) REQUIREMENTS.—A request meets the requirements of this clause if—

“(I) the request is made by the head of any Federal law enforcement agency (or his delegate) involved in the response to or investigation of any terrorist incident, threat, or activity, and

“(II) the request sets forth the specific reason or reasons why such disclosure may be

relevant to a terrorist incident, threat, or activity.

“(iv) LIMITATION ON USE OF INFORMATION.—Information disclosed under this subparagraph shall be solely for the use of the officers and employees to whom such information is disclosed in such response or investigation.

“(B) DISCLOSURE TO INTELLIGENCE AGENCIES.—

“(i) IN GENERAL.—Except as provided in paragraph (6), upon receipt by the Secretary of a written request which meets the requirements of clause (ii), the Secretary may disclose return information (other than taxpayer return information) to those officers and employees of the Department of Justice, the Department of the Treasury, and other Federal intelligence agencies who are personally and directly engaged in the collection or analysis of intelligence and counterintelligence information or investigation concerning any terrorist incident, threat, or activity. For purposes of the preceding sentence, the information disclosed under the preceding sentence shall be solely for the use of such officers and employees in such investigation, collection, or analysis.

“(ii) REQUIREMENTS.—A request meets the requirements of this subparagraph if the request—

“(I) is made by an individual described in clause (iii), and

“(II) sets forth the specific reason or reasons why such disclosure may be relevant to a terrorist incident, threat, or activity.

“(iii) REQUESTING INDIVIDUALS.—An individual described in this subparagraph is an individual—

“(I) who is an officer or employee of the Department of Justice or the Department of the Treasury who is appointed by the President with the advice and consent of the Senate or who is the Director of the United States Secret Service, and

“(II) who is responsible for the collection and analysis of intelligence and counterintelligence information concerning any terrorist incident, threat, or activity.

“(iv) TAXPAYER IDENTITY.—For purposes of this subparagraph, a taxpayer's identity shall not be treated as taxpayer return information.

“(C) DISCLOSURE UNDER EX PARTE ORDERS.—

“(i) IN GENERAL.—Except as provided in paragraph (6), any return or return information with respect to any specified taxable period or periods shall, pursuant to and upon the grant of an ex parte order by a Federal district court judge or magistrate under clause (ii), be open (but only to the extent necessary as provided in such order) to inspection by, or disclosure to, officers and employees of any Federal law enforcement agency or Federal intelligence agency who are personally and directly engaged in any investigation, response to, or analysis of intelligence and counterintelligence information concerning any terrorist incident, threat, or activity. Return or return information opened pursuant to the preceding sentence shall be solely for the use of such officers and employees in the investigation, response, or analysis, and in any judicial, administrative, or grand jury proceedings, pertaining to such terrorist incident, threat, or activity.

“(ii) APPLICATION FOR ORDER.—The Attorney General, the Deputy Attorney General, the Associate Attorney General, any Assistant Attorney General, or any United States attorney may authorize an application to a Federal district court judge or magistrate for the order referred to in clause (i). Upon such application, such judge or magistrate may grant such order if he determines on the basis of the facts submitted by the applicant that—

“(I) there is reasonable cause to believe, based upon information believed to be reliable, that the return or return information may be relevant to a matter relating to such terrorist incident, threat, or activity, and

“(II) the return or return information is sought exclusively for use in a Federal investigation, analysis, or proceeding concerning any terrorist incident, threat, or activity.

“(D) SPECIAL RULE FOR EX PARTE DISCLOSURE BY THE IRS.—

“(i) IN GENERAL.—Except as provided in paragraph (6), the Secretary may authorize an application to a Federal district court judge or magistrate for the order referred to in subparagraph (C)(i). Upon such application, such judge or magistrate may grant such order if he determines on the basis of the facts submitted by the applicant that the requirements of subparagraph (C)(ii)(I) are met.

“(ii) LIMITATION ON USE OF INFORMATION.—Information disclosed under clause (i)—

“(I) may be disclosed only to the extent necessary to apprise the head of the appropriate Federal law enforcement agency responsible for investigating or responding to a terrorist incident, threat, or activity, and

“(II) shall be solely for use in a Federal investigation, analysis, or proceeding concerning any terrorist incident, threat, or activity.

The head of such Federal agency may disclose such information to officers and employees of such agency to the extent necessary to investigate or respond to such terrorist incident, threat, or activity.

“(E) TERMINATION.—No disclosure may be made under this paragraph after December 31, 2003.”

(c) CONFORMING AMENDMENTS.—

(1) Section 6103(a)(2) is amended by inserting “any local law enforcement agency receiving information under subsection (i)(7)(A),” after “State.”

(2) Section 6103(b) is amended by adding at the end the following new paragraph:

“(11) TERRORIST INCIDENT, THREAT, OR ACTIVITY.—The term ‘terrorist incident, threat, or activity’ means an incident, threat, or activity involving an act of domestic terrorism (as defined in section 2331(5) of title 18, United States Code) or international terrorism (as defined in section 2331(1) of such title).”

(3) The heading of section 6103(i)(3) is amended by inserting “OR TERRORIST” after “CRIMINAL.”

(4) Paragraph (4) of section 6103(i) is amended—

(A) in subparagraph (A) by inserting “or (7)(C)” after “paragraph (1)”, and

(B) in subparagraph (B) by striking “or (3)(A)” and inserting “(3)(A) or (C), or (7)”.

(5) Paragraph (6) of section 6103(i) is amended—

(A) by striking “(3)(A)” and inserting “(3)(A) or (C)”, and

(B) by striking “or (7)” and inserting “(7), or (8)”.

(6) Section 6103(p)(3) is amended—

(A) in subparagraph (A) by striking “(7)(A)(ii)” and inserting “(8)(A)(ii)”, and

(B) in subparagraph (C) by striking “(i)(3)(B)(i)” and inserting “(i)(3)(B)(i) or (7)(A)(ii)”.

(7) Section 6103(p)(4) is amended—

(A) in the matter preceding subparagraph (A)—

(i) by striking “or (5),” the first place it appears and inserting “(5), or (7),” and

(ii) by striking “(i)(3)(B)(i),” and inserting “(i)(3)(B)(i) or (7)(A)(ii),” and

(B) in subparagraph (F)(ii) by striking “or (5),” the first place it appears and inserting “(5) or (7),”.

(8) Section 6103(p)(6)(B)(i) is amended by striking "(i)(7)(A)(ii)" and inserting "(i)(8)(A)(ii)".

(9) Section 6105(b) is amended—

(A) by striking "or" at the end of paragraph (2),

(B) by striking "paragraphs (1) or (2)" in paragraph (3) and inserting "paragraph (1), (2), or (3)",

(C) by redesignating paragraph (3) as paragraph (4), and

(D) by inserting after paragraph (2) the following new paragraph:

"(3) to the disclosure of tax convention information on the same terms as return information may be disclosed under paragraph (3)(C) or (7) of section 6103(i), except that in the case of tax convention information provided by a foreign government, no disclosure may be made under this paragraph without the written consent of the foreign government, or".

(10) Section 7213(a)(2) is amended by striking "(i)(3)(B)(i)," and inserting "(i)(3)(B)(i) or (7)(A)(ii),".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures made on or after the date of the enactment of this Act.

Amend the title so as to read: "An Act to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States, and for other purposes."

SA 2164. Mr. REID (for Mr. KERRY) proposed an amendment to the bill S. 174, to amend the Small Business Act with respect to the microloan program, and for other purposes; as follows:

At the end of the bill, add the following new section:

SEC. 3. MICROLOAN PROGRAM CORRECTION.

Section 7(m)(3)(F)(iii) of the Small Business Act (15 U.S.C. 636(m)(3)(F)(iii)) is amended by striking "\$7,500" and inserting "\$10,000".

SA 2165. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the end of title I, insert:

SEC. ____ . REDUCTION IN CAPITAL GAINS RATES FOR INDIVIDUALS.

(a) IN GENERAL.—

(1) 10-PERCENT RATE REDUCED TO 7 PERCENT.—Subparagraph (B) of section 1(h)(1), as amended by section 101, is amended by striking "10 percent" and inserting "7 percent".

(2) 20-PERCENT RATE REDUCED TO 15 PERCENT.—Subparagraph (C) of section 1(h)(1) is amended by striking "20 percent" and inserting "15 percent".

(4) CONFORMING AMENDMENTS.—

(A) Section 57(a)(7) is amended—

(i) by striking "42 percent" and inserting "28 percent", and

(ii) by striking the last sentence.

(B) Paragraph (1) of section 1445(e) is amended by striking "20 percent" and inserting "15 percent".

(C) The second sentence of section 7518(g)(6)(A), and the second sentence of section 607(h)(6)(A) of the Merchant Marine Act, 1936, are each amended by striking "20 percent" and inserting "15 percent".

(b) REPEAL OF REDUCED RATES FOR QUALIFIED 5-YEAR GAIN.—

(1) IN GENERAL.—Section 1(h), as amended by section 101, is amended by striking paragraphs (2) and (9), by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively, and by redesignating paragraphs (10) through (12) as paragraphs (8) through (10), respectively.

(2) CONFORMING AMENDMENTS.—Subparagraph (A)(ii) of section 1(h)(6), as redesignated by paragraph (1), is amended—

(A) in subclause (I) by striking "paragraph (5)(B)" and inserting "paragraph (4)(B)", and

(B) in subclause (II) by striking "paragraph (5)(A)" and inserting "paragraph (4)(A)".

(c) MINIMUM TAX.—

(1) IN GENERAL.—

(A) 10-PERCENT RATE REDUCED TO 7 PERCENT.—Subparagraph (B) of section 55(b)(3) is amended by striking "10 percent" and inserting "7 percent".

(B) 20-PERCENT RATE REDUCED TO 15 PERCENT.—Subparagraph (C) of section 55(b)(3) is amended by striking "20 percent" and inserting "15 percent".

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 55(b) is amended in the matter following subparagraph (D) by striking "In the case of taxable years beginning after December 31, 2000, rules similar to the rules of section 1(h)(2) shall apply for purposes of subparagraphs (B) and (C)."

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to sales or exchanges after the date of the enactment of this Act, in taxable years ending after such date.

(2) WITHHOLDING.—The amendment made by subsection (a)(3)(B) shall apply to amounts paid after the date of the enactment of this Act.

MICROLOAN PROGRAM IMPROVEMENT ACT OF 2001

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 55, S. 174.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 174) a bill to extend the Small Business Act with respect to the Microloan Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2164

Mr. REID. Mr. President, Senator KERRY has an amendment at the desk. The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] for Mr. KERRY proposes an amendment numbered 2164.

The amendment is as follows:

(Purpose: To correct a loan amount for purposes of the small business microloan program)

At the end of the bill, add the following new section:

SEC. 3. MICROLOAN PROGRAM CORRECTION.

Section 7(m)(3)(F)(iii) of the Small Business Act (15 U.S.C. 636(m)(3)(F)(iii)) is amended by striking "\$7,500" and inserting "\$10,000".

Mr. KERRY. Mr. President, I am here today to urge passage of a bill to improve the U.S. Small Business Administration's Microloan Program, a program which makes an enormous difference to many aspiring entrepreneurs through very small loans of up to \$35,000. The demand for these loans go

up when the economy slows down and people lose their jobs or face reduced hours because they often start their own business or start a part-time venture to patch their income losses.

Senator SNOWE worked very closely with me to make this day happen. We wish to thank Senators BOND, WELLSTONE, CLELAND, LANDRIEU, HARKIN, LEVIN, LIEBERMAN, BINGAMAN, ENZI, KOHL, SNOWE, JOHNSON, DASCHLE, CONRAD, BURNS, INOUE, BAUCUS, and JEFFORDS for joining us and cosponsoring this bill.

Senator SNOWE and I have worked together many times on this program, pushing to make sure our country's smallest businesses have access to capital and business assistance. In this instance, we are bringing before the Senate changes that the Senate supported unanimously as part of its version of last year's SBA Reauthorization bill, but were not included by the House because they had not considered them in a hearing. This package of changes was reintroduced this year and supported unanimously by the Senate Small Business Committee. This bill amends the Small Business Administration's Microloan Program to make it more flexible to meet credit needs, more accessible to microentrepreneurs across the nation, and more streamlined for leaders to make loans and provide management assistance. The changes in this bill complement the program and technical changes made last year.

The program provides for microloans, of just \$10,000, on average, in order to allow many prospective entrepreneurs to realize their dream and start their own business. This provides them with financial independence and sometimes allows individuals to go from welfare to employment.

Let me just run through some of the provisions of the Microloan Program Improvement Act of 2001. First, it eliminates the requirement that SBA microloans be "short-term" loans. This change will give intermediaries greater latitude in developing microloan products because they will be able to offer their borrowers revolving lines of credit. It will also cut transaction costs for both the borrower and the microlender and will generally make it easier to fund these types of very small businesses.

Why are revolving lines of credit important? Because seasonal types of businesses really need revolving lines of credit instead of, for instance, a 90- or 120-day note. For example, if you are a building contractor or painter, you may need \$15,000 to front supplies and pay your workers because most clients only pay when the work is done. So, under the current scenario, if you were to borrow the \$15,000 from a microlender, you would pay back small payments at the 30 and 60 day markers. The entire remaining balance would be due upon receipt of payment from your client. Then, when the next client came along, the borrower would have to enter into an entirely new loan

transaction. Under the new scenario, a revolving line of credit would eliminate the need for a new loan transaction. The contractor would pay the debt upon receipt of payment from the first client and then simply write a check against his or her line of credit when the second client comes along. I would like to emphasize that our Committee does not intend for this flexibility to be used to make loans with long terms, such as 15 or 30 years.

I spent a lot of time describing that provision because I want people to understand the needs of these very tiny businesses and how SBA's credit programs evolve to meet the market. Of course, this legislation makes other small but important changes. It broadens the eligibility criteria for potential microintermediaries, which would allow more people to benefit from the program and stimulate the creation of additional new businesses to start up. This is accomplished by deeming intermediaries eligible if they have one year of equivalent experience rather than only actual experience in making loans to startup, newly established, or growing small businesses.

Third, this bill expands the program's flexibility for intermediaries to subcontract out technical assistance and offer pre-loan technical assistance. The bill eliminates the restriction on how much technical assistance funding an intermediary can use for pre-loan assistance and allows the intermediary to use its discretion to determine the appropriate amount. Currently, intermediaries are limited to using up to 25 percent of their funds to assist prospective borrowers. This change allows an intermediary to allocate as much technical assistance as appropriate. The bill also increases the percentage of technical assistance grant funds that an intermediary can use to subcontract out technical assistance. Currently, intermediaries can only subcontract 25 percent, and this legislation would raise it to 35 percent.

Finally, the bill establishes a new peer-to-peer mentoring program to help new intermediaries acquire the basic knowledge needed to run a business from experienced mentors. The bill will authorize up to \$1 million of annual appropriations for such purposes.

Support for the Microloan Program is not only bipartisan but nationwide—it has support from all parts of the country. By removing a number of barriers to entry, this bill will be a great advantage to new microintermediaries, who, in turn, will improve their ability to assist microentrepreneurs, thus, increasing the opportunities for the entrepreneurs, their businesses and their communities.

I urge my colleagues to support the Microloan Program Improvement Act of 2001.

Mr. REID. Mr. President, I ask unanimous consent that the amendment be agreed to; that the bill, as amended, be read a third time and passed, the mo-

tion to reconsider be laid upon the table without any intervening action, and that any statements relating thereto be printed in the RECORD.

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

The amendment (No. 2164) was agreed to.

The bill (S. 174), as amended, was read a third time and passed, as follows:

S. 174

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Microloan Program Improvement Act of 2001".

SEC. 2. MICROLOAN PROGRAM.

(a) IN GENERAL.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(B)(i), by striking "short-term,";

(2) in paragraph (2)(B), by inserting before the period "or equivalent experience, as determined by the Administration";

(3) in paragraph (4)(E)—

(A) by striking clause (i) and inserting the following:

"(i) IN GENERAL.—Each intermediary may expend the grant funds received under the program authorized by this subsection to provide or arrange for loan technical assistance to small business concerns that are borrowers or prospective borrowers under this subsection."; and

(B) in clause (ii), by striking "25" and inserting "35"; and

(4) in paragraph (9), by adding at the end the following:

"(D) PEER-TO-PEER CAPACITY BUILDING AND TRAINING.—The Administrator may use not more than \$1,000,000 of the annual appropriation to the Administration for technical assistance grants to subcontract with 1 or more national trade associations of eligible intermediaries, or other entities knowledgeable about and experienced in microlending and related technical assistance, under this subsection to provide peer-to-peer capacity building and training to lenders under this subsection and organizations seeking to become lenders under this subsection."

(b) CONFORMING AMENDMENT.—Section 7(m)(11)(B) of the Small Business Act (15 U.S.C. 636(m)(11)(B)) is amended by striking "short-term,".

SEC. 3. MICROLOAN PROGRAM CORRECTION.

Section 7(m)(3)(F)(iii) of the Small Business Act (15 U.S.C. 636(m)(3)(F)(iii)) is amended by striking "\$7,500" and inserting "\$10,000".

TEACHING CHILDREN TO SAVE LIVES ACT

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 224, S. 727.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 727) to provide grants for cardiopulmonary resuscitation (CPR) training in public schools.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to

reconsider be laid on the table, and that any statements relating thereto be printed in the RECORD with no intervening action or debate.

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

The bill (S. 727) was read a third time and passed, as follows:

S. 727

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

SECTION 1. TEACHING CHILDREN TO SAVE LIVES.

Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.) is amended by adding at the end the following:

"PART G—TEACHING CHILDREN TO SAVE LIVES

"SEC. 1271. SHORT TITLE.

"This part may be cited as the 'Teaching Children To Save Lives Act'.

"SEC. 1272. FINDINGS.

"The Congress finds the following:

"(1) Teaching school children to perform the life-saving skill of cardiopulmonary resuscitation (CPR), to identify and respond to choking victims, and to recognize the signs of stroke can improve their confidence in responding to an emergency and can encourage continued efforts to update these skills after graduation, thereby potentially reducing the rate of death from sudden cardiac arrest, choking and stroke.

"(2) Heart disease is the leading cause of death in the United States.

"(3) 220,000 Americans die each year of sudden cardiac arrest.

"(4) The American Heart Association estimates that the lives of 50,000 cardiac arrest victims could be saved each year through initiating a course of action known as the 'chain of survival'.

"(5) The chain of survival includes prompt notification of emergency services and early CPR, defibrillation, and advanced cardiac life support.

"(6) An important part of United States school children's education is learning healthy behaviors, including proper nutrition and physical activity. This health education should also include basic emergency life-saving skills.

"(7) Incorporating these lifesaving training programs into the health curriculum of elementary and secondary schools will give school children these skills.

"SEC. 1273. GRANTS FOR CPR TRAINING IN PUBLIC SCHOOLS.

"(a) IN GENERAL.—The Secretary, acting through the Health Resources and Services Administration, is authorized to award grants to State agencies to enable the State agencies to award grants to local agencies and targeted schools or school districts for cardiopulmonary resuscitation (CPR) training in targeted localities. Such training shall utilize nationally recognized training courses. Such grants in conjunction with local efforts shall ensure that training sites have the ability to start up, including funds for instructor training, training in CPR instruction, purchase of printed informational or instructional materials, manikins, automated external defibrillator (AED) training devices, and other equipment.

"(b) COMMUNITY PARTNERSHIPS.—A State agency shall award grants under this section in a manner that encourages and fosters new and existing community partnerships with and among public and private organizations (such as local educational agencies, non-profit organizations, public health organizations, emergency medical service providers, fire and police departments, and parent-

teacher associations) to aid in providing CPR training in a nationally approved program in targeted schools.

“(c) AWARD BASIS.—In awarding grants under this section a State agency shall take into consideration—

“(1) the need for and existence of CPR training programs in targeted schools or communities served by targeted schools;

“(2) geographic barriers to coordinating CPR training programs; and

“(3) options to maximize the use of funds provided under this section.

“(d) AED TRAINING DEVICES.—To be eligible to receive a grant under this section for the purchase of an AED training device, a local agency or targeted school shall demonstrate that such agency or school is currently implementing a CPR training program.

“(e) DEFINITIONS.—In this section:

“(1) AED.—The term ‘AED’ means automated external defibrillator.

“(2) CPR.—The term ‘CPR’ means cardiopulmonary resuscitation.

“(3) INSTRUCTOR.—The term ‘instructor’ means a nurse, principal, school counselor, teacher, or other qualified individual who is certified by a nationally recognized program to train individuals in CPR.

“(4) TARGETED SCHOOL.—The term ‘targeted school’ means a public elementary school or secondary school (as defined in section 14101 of the Elementary and Secondary Education Act of 1965) that includes students in any of grades 6 through 12.

“(f) REGULATIONS.—The Secretary may make rules to carry out this part.

“SEC. 1274. REPORT.

“The Secretary shall prepare and submit to Congress a report regarding the activities assisted under this part.

“SEC. 1275. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part, \$30,000,000 for the 3-fiscal year period beginning in fiscal year 2002.”.

HEMATOLOGICAL CANCER RESEARCH INVESTMENT AND EDUCATION ACT OF 2001

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 221, S. 1094.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1094) to amend the Public Health Service Act to provide for research, information, and education with respect to blood cancer.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hematological Cancer Research Investment and Education Act of 2001”.

SEC. 2. FINDINGS.

Congress finds that:

(1) An estimated 109,500 people in the United States will be diagnosed with leukemia, lymphoma, and multiple myeloma in 2001.

(2) New cases of the blood cancers described in paragraph (1) account for 8.6 percent of new cancer cases.

(3) Those devastating blood cancers will cause the deaths of an estimated 60,300 persons in the United States in 2001. Every 9 minutes, a person in the United States dies from leukemia, lymphoma, or multiple myeloma.

(4) While less than 5 percent of Federal funds for cancer research are spent on those blood cancers, those blood cancers cause 11 percent of all cancer deaths in the United States.

(5) Increased Federal support of research into leukemia, lymphoma, and multiple myeloma has resulted and will continue to result in significant advances in the treatment, and ultimately the cure, of those blood cancers as well as other cancers.

SEC. 3. RESEARCH, INFORMATION, AND EDUCATION WITH RESPECT TO BLOOD CANCER.

Part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by inserting after section 419C the following:

“SEC. 417D. RESEARCH, INFORMATION, AND EDUCATION WITH RESPECT TO BLOOD CANCER.

“(a) JOE MOAKLEY RESEARCH EXCELLENCE PROGRAM.—

“(1) IN GENERAL.—The Director of NIH shall expand, intensify, and coordinate programs for the conduct and support of research with respect to blood cancer, and particularly with respect to leukemia, lymphoma, and multiple myeloma.

“(2) ADMINISTRATION.—The Director of NIH shall carry out this subsection through the Director of the National Cancer Institute and in collaboration with any other agencies that the Director determines to be appropriate.

“(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each subsequent fiscal year. Such authorizations of appropriations are in addition to other authorizations of appropriations that are available for such purpose.

“(b) GERALDINE FERRARO CANCER EDUCATION PROGRAM.—

“(1) IN GENERAL.—The Secretary shall direct the appropriate agency within the Department of Health and Human Services, in collaboration with the Director of NIH, to establish and carry out a program to provide information and education for patients and the general public with respect to blood cancer, and particularly with respect to the treatment of leukemia, lymphoma, and multiple myeloma.

“(2) ADMINISTRATION.—The Agency determined by the Secretary under paragraph (1) shall carry out this subsection in collaboration with private health organizations that have national education and patient assistance programs on blood-related cancers.

“(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each subsequent fiscal year. Such authorizations of appropriations are in addition to other authorizations of appropriations that are available for such purpose.”.

Mr. REID. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD with no intervening action or debate.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1094), as amended, was read a third time, and passed, as follows:

S. 1094

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hematological Cancer Research Investment and Education Act of 2001”.

SEC. 2. FINDINGS.

Congress finds that:

(1) An estimated 109,500 people in the United States will be diagnosed with leukemia, lymphoma, and multiple myeloma in 2001.

(2) New cases of the blood cancers described in paragraph (1) account for 8.6 percent of new cancer cases.

(3) Those devastating blood cancers will cause the deaths of an estimated 60,300 persons in the United States in 2001. Every 9 minutes, a person in the United States dies from leukemia, lymphoma, or multiple myeloma.

(4) While less than 5 percent of Federal funds for cancer research are spent on those blood cancers, those blood cancers cause 11 percent of all cancer deaths in the United States.

(5) Increased Federal support of research into leukemia, lymphoma, and multiple myeloma has resulted and will continue to result in significant advances in the treatment, and ultimately the cure, of those blood cancers as well as other cancers.

SEC. 3. RESEARCH, INFORMATION, AND EDUCATION WITH RESPECT TO BLOOD CANCER.

Part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by inserting after section 419C the following:

“SEC. 417D. RESEARCH, INFORMATION, AND EDUCATION WITH RESPECT TO BLOOD CANCER.

“(a) JOE MOAKLEY RESEARCH EXCELLENCE PROGRAM.—

“(1) IN GENERAL.—The Director of NIH shall expand, intensify, and coordinate programs for the conduct and support of research with respect to blood cancer, and particularly with respect to leukemia, lymphoma, and multiple myeloma.

“(2) ADMINISTRATION.—The Director of NIH shall carry out this subsection through the Director of the National Cancer Institute and in collaboration with any other agencies that the Director determines to be appropriate.

“(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each subsequent fiscal year. Such authorizations of appropriations are in addition to other authorizations of appropriations that are available for such purpose.

“(b) GERALDINE FERRARO CANCER EDUCATION PROGRAM.—

“(1) IN GENERAL.—The Secretary shall direct the appropriate agency within the Department of Health and Human Services, in collaboration with the Director of NIH, to establish and carry out a program to provide information and education for patients and the general public with respect to blood cancer, and particularly with respect to the treatment of leukemia, lymphoma, and multiple myeloma.

“(2) ADMINISTRATION.—The Agency determined by the Secretary under paragraph (1) shall carry out this subsection in collaboration with private health organizations that have national education and patient assistance programs on blood-related cancers.

“(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated such sums as may be necessary for

fiscal year 2002 and each subsequent fiscal year. Such authorizations of appropriations are in addition to other authorizations of appropriations that are available for such purpose.”.

THE ESTABLISHMENT OF A NATIONAL WORDS CAN HEAL DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 183 introduced earlier today by Senator REID of Nevada and Senator BROWNBACK.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 183) expressing the sense of the Senate regarding the establishment of a National Words Can Heal Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, it is with great pleasure that I support this resolution in support of the Words Can Heal Campaign to promote more responsible and civil speech to reduce conflict and build understanding between all peoples.

The Jerusalem Fund has launched a Words Can Heal Campaign on September 4, 2001, to reduce verbal violence and gossip and to promote the value and practice of ethical speech in order to improve our democracy, build mutual respect, honor, and dignity in our country.

The ability to express views freely and resolve differences through dialogue and education is fundamental to American democracy. For that process to work well, our words must reflect

mutual respect, truth and fairness. Friends, families, and communities need to speak to each other in ways that help build people up, not tear them down. The Words Can Heal Campaign will draw attention to the language we use and provide practical help to parents, school kids, supervisors, employees, teachers, government officials, entertainers, athletes—people from all walks of life—to speak more kindly and less destructively with and about each other. Through this campaign, the Jerusalem Fund will seek to make November 23, and every day thereafter, a day when unfair gossip, prejudicial comments, and verbal humiliation will be replaced by words that are encouraging, helpful, and healing.

Since the terrorist attacks of September 11, many Americans have felt that what happens in their neighborhood is beyond their control. This resolution can offer a comprehensive plan to rebuild our communities and relationship through the words we speak and the way we communicate. This holiday season, as we take an in-depth look at our lives and those around us, the Words Can Heal message resonates even more forcefully.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 183) was agreed to.

The preamble was agreed to.

(The text of the resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

ORDERS FOR MONDAY, NOVEMBER 19, 2001, OR TUESDAY, NOVEMBER 27, 2001

Mr. REID. Mr. President, I ask unanimous consent that if the House has not acted upon S. Con. Res. 85, the Senate stand in recess until 12 noon, Monday, November 19, but if the House acts upon the adjournment resolution, the Senate adjourn until the hour of 10:30 a.m., Tuesday, November 27; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period for morning business with Senators permitted to speak for up to 10 minutes each; further, that the Senate stand in recess from 12:30 p.m. to 2:15 p.m. for the weekly party conferences.

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

RECESS UNTIL MONDAY, NOVEMBER 19, 2001, OR ADJOURNMENT UNTIL TUESDAY, NOVEMBER 27, 2001, AT 10:30 A.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the provisions of S. Con. Res. 85.

There being no objection (and the House having subsequently agreed to S. Con. Res. 85), the Senate, at 2:51 p.m., adjourned until, Tuesday, November 27, 2001, at 10:30 a.m.