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Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

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

"Not by might nor by power, but by My Spirit," saith the Lord.—Zechariah 4:6.

Almighty God, our Adonai, thank You for these salient words reminding us that You are the only reliable source of strength to accomplish anything of lasting value. These words spoken through Zechariah and repeated during the days of Hanukkah have particular significance to us this year. We claim the meaning of the word Hanukkah, "dedication," as we rededicate our lives to serve You in the struggle to assure religious freedom for all people. We join with Jewish people in the celebration of the Feast of Dedication and remember the victory in 165 B.C. of the Maccabees over the tyrant Antiochus IV Epiphanes and his troops who had occupied Jerusalem, desecrated the temple, and sought to destroy forever the Hebrew religion.

We celebrate this victory that enabled the Jews to rededicate the temple and once again worship You freely. Gratefully, we remember the one remaining flask of pure olive oil left in the temple that You kept burning for 8 days and 8 nights until the supply could be replenished. Now, as Jews light menorahs, we ask You to light up all of our hearts with Your truth so

that we all can shine in the spiritual darkness of our time when evil things are done in the name of religion, and where religious freedom is denied people. We dedicate ourselves to battle injustice not by our might or our power, but by the courage of Your Spirit. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The majority whip is recognized.

SCHEDULE

Mr. REID. Mr. President, this afternoon we are going to consider the farm bill. There will be no rollcall votes today. The next rollcall votes will occur on Tuesday morning at 9:30 a.m. on judicial nominations.

MEASURES PLACED ON THE CALENDAR—S. 1786 and S. 1789

Mr. REID. Mr. President, I understand there are two bills—S. 1786 and S. 1789—at the desk, having been read the first time. Is that true?

The PRESIDENT pro tempore. That is correct.

Mr. REID. Mr. President, I ask unanimous consent that it be in order, en bloc, for these two bills to receive a second reading, but I would then object to any further consideration on the legislation.

The PRESIDENT pro tempore. Is there objection to the request that the two bills be considered en bloc?

Hearing no objection, it is so ordered.

The two bills are considered, en bloc.

Is there objection to the second reading of the two bills, en bloc?

Hearing no objection, the two bills are read, en bloc.

The majority whip has objected to further reading of the bills. They will, consequently, be placed on the general orders calendar on the next legislative day.

AGRICULTURE, CONSERVATION, AND RURAL ENHANCEMENT ACT OF 2001

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of S. 1731, which the clerk will report.

NOTICE

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Michael F. DiMario, Public Printer

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



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S12755

The legislative clerk read as follows:

A bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes.

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

The PRESIDENT pro tempore. The absence of a quorum has been suggested. 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 PRESIDENT pro tempore. Without objection, it is so ordered.

ECONOMIC STIMULUS

Mr. REID. Mr. President, now before the Senate is the farm bill. The farm bill will do a number of things. First of all, it will stimulate the economy. The need to stimulate the economy is something we need to do right away.

Before getting into the intricacies of the farm bill, I refer to a couple of pieces of mail I have received. Unfortunately, we don't get mail the way we used to, but I have some e-mails here.

Dear Senator REID: We wish to thank you for the Thanksgiving meal we received from you via the Culinary Union here in Las Vegas.

During Thanksgiving break, I helped pass out some turkeys and other little boxes until we ran out. People were donating them. They thought they would have enough. They weren't even close to having enough meals. But this is a letter, an e-mail, that says:

My husband has worked here for 29 years plus and is out of work. Never have we not had money for the holiday. We would not have had the turkey dinner if wasn't for you. We have even enjoyed leftovers. We just want you to know how we appreciate it. Thank you very much. The Heller's.

Here is another one:

I was recently changed to part time at the corporation where I work. This was done to reduce my hours and eliminate my health insurance. The result is I am earning one half of my prior income and I am paying \$600 per month for COBRA. I need temporary help in maintaining my health insurance through COBRA. I understand there is legislation regarding a tax credit for people relying on COBRA. Your endorsement of this proposal would be of great help to me and my family. Thank you for your support. Sharon Sharp.

These are two examples of things we need to do in addition to the farm bill to stimulate this economy. No. 1, do something about unemployment compensation so people who, for example, have gone from welfare to work and don't qualify for unemployment benefits can get some unemployment benefits. If you want to stimulate the economy, give money to then people who are most likely to spend it. Then, of course, this letter from Sharon Sharp, who talks about the importance of doing something about COBRA.

Two of the fundamental precepts of our economic recovery plan, our stim-

ulus, should be to do something about unemployment benefits and to do something about COBRA. I hope we will do both.

I was a little bit confused yesterday as Vice President CHENEY blamed the majority leader for the Senate's failure to pass an economic stimulus package. He even went so far as to call Senator DASCHLE an obstructionist. I know Vice President CHENEY is very busy. Maybe he hasn't had the chance to see what goes on in this body.

The fact is, Senator DASCHLE has not obstructed anything. It appears to me the Republicans are protesting too much. They are saying Senator DASCHLE is obstructing this. Why? It is because under this unique situation that has developed here, we are not going through the ordinary process. We are not going through the ordinary process where you would take a bill to the Finance Committee and report a bill out of the Finance Committee.

That is not what we are doing because we received some suggestions that maybe the committee process is not the right way to go. Senator DASCHLE agreed: OK, how do you want to do it then? Speaker HASTERT sent him a written proposal. Senator DASCHLE said: I accept it. He sent it back. That wasn't quite what they meant to say. They sent something else back. Senator DASCHLE agreed to accept that as well.

The agreement is that, among other things, two Democrats from the Senate will join with our counterparts, Republican counterparts here in the Senate and in the House. Senator DASCHLE selected the chairman of the Finance Committee, Senator BAUCUS, and Senator JAY ROCKEFELLER, a senior member of the Finance Committee, to represent the Democratic Senators. He told us in our conference when we met last Tuesday: Look, I trust these men implicitly. They will do the best they can, and they will report back to us when they have an agreement.

Now, it has been suggested that he has called for a two-thirds ratification. Well, he did call for a two-thirds ratification, but he said that Democratic Senators would have to agree with what Senators BAUCUS and ROCKEFELLER negotiated. That certainly doesn't sound unreasonable to me. I hope that whatever the Republicans come back with, they will want their conference to agree on it also. Or are we going to resort to a situation where whatever the President wants, we just blindly accept it?

I don't think that is the way the Constitution was established. I think this little document—the Constitution—sets up three separate but equal branches of Government, and I think we have should have some say on what is produced. Senator DASCHLE is doing his job. We not only have Vice President CHENEY blaming Senator DASCHLE for obstructing an economic stimulus package, but the minority leader in the Senate also stated he would rather

have no bill than a bad bill. I think he speaks for a lot of us here. But, he went on to say that if we can't get a bill done this week, we should put it off until next year. I don't think that the American people want us to put off their work until next year. I think we should work hard to get it done this year . . . this week.

I think we should keep in mind the document off of which we are working. The legislation pending at the desk is a bill passed by the House of Representatives. It is a bill that is really interesting, to say the least. In fact, it's not an economic stimulus bill, it's a tax bill, because most of the proposals passed by the House and favored by the Administration are approximately 90 percent in tax cuts, many of them, retroactive. Senate Democrats favor tax relief—including corporate tax relief—that would encourage American businesses to invest more or accelerate certain purchases. However, we shouldn't be pushing permanent, retroactive tax cuts while at the same time American workers who have lost their jobs that their tax relief belongs on the back burner. Case in point: Permanent and retroactive repeal of the corporate alternative minimum tax. That is a primary component of the House bill. This isn't something we are making up, this is in the House bill. How can anybody in good conscience tell a hard-working American such as Sharon Sharp and the Heller family from Nevada—people who lost their jobs—that we don't have enough money to extend unemployment benefits for a few weeks, but we have enough money to give IBM a \$1.4 billion tax refund? These are taxes they have already paid, going back to 1988. Any tax you have paid since AMT was passed, they want to give it back.

If that doesn't give you a little bit of an alert, let's look at the list. I will give you some of the companies on the list, and I think it's fair to comment that there is a heavy presence of the oil and energy sector who will get a ton of money back if we accept the House bill that we are accused of obstructing: Ford would get \$1 billion; General Motors would get \$832 million returned to them; General Electric, \$671 million; TXU, \$608 million. A foreign company—some of these others are foreign—DaimlerChrysler gets a \$600 million refund; Chevron, \$572 million; Enron—Enron, who has done a few things such as really damaging people's pensions—some people had invested so heavily in some of these pension fund moneys in Enron stock, which dropped from \$98 to 34 cents a share. Enron would get \$254 million; Phillips Petroleum, \$241 million; IMC Global, \$155 million. Also, it is interesting to note that United Airlines and American Airlines, for which we just appropriated \$15 billion a few weeks ago, would get about \$600 million; CMS Energy, \$136 million.

Maybe we are doing a pretty good job of slowing things up. This is the document from which we are working. It

would be a shame if we passed this bill. I can't imagine why in the world we would want to pass this piece of legislation.

I think it is important that we get a stimulus package. What will stimulate the economy more, money going to General Electric or any of the companies on this list, or money going to people who have recently been unemployed? Who is going to spend that money? The unemployed people are. They have no other money; they have to spend it to buy groceries, clothing and, perhaps, a turkey for Christmas. As Sharon Sharp says, she wants to keep her health insurance. Unemployment benefits to people who will spend the money would stimulate the economy.

So rather than giving all these corporations a retroactive tax break—remember, this was first enacted because of the widespread problem of the large, highly profitable corporations which used to thrive on the loopholes and didn't pay a penny of corporate taxes. We just said: If you pay no taxes, there is going to be a minimum that you have to pay. That is all we asked in the past. Now we are going to say: Sorry, you don't have to pay any of those taxes. In fact, those of you who did pay, we are going to give it back to you.

Permanent repeal of the corporate alternative minimum tax might be even more expensive than just refunding past tax payments. The AMT reduces the incentive of corporations to find tax loopholes and take as many deductions as possible and to pay at least a minimum tax. Without this, we return to the days when corporations went to extreme measures to find tax loopholes and not pay taxes at all.

If it were up to the House and this administration, we would have enough money for more than \$7 billion of retroactive corporate tax breaks, but not any money to help American workers who have lost their jobs. It is precisely these people—middle-income Americans—who are most likely to spend additional money because they would stimulate the economy. They have to; they have no other money. That is what we are trying to do—enact an economic stimulus package that would stimulate the economy.

So I say to my friend, with whom I served in the House of Representatives, the President of the Senate, the Vice President of the United States, he should get a better briefing as to what is going on before he makes statements that Senator DASCHLE is an obstructionist. Senator DASCHLE is doing the American public a service by standing in the way of what they have done in the House of Representatives. It is blatantly unfair to call him an obstructionist, especially when the representatives he appointed to this group of negotiators who are trying to come up with a stimulus package—Senators BAUCUS and ROCKEFELLER—were prepared to attend a meeting that was

scheduled for Friday afternoon to continue the negotiations on this package and the chairman of the group, the chairman of the Ways and Means Committee in the House of Representatives, Mr. THOMAS, goes to California to attend a fundraiser. Chairman BAUCUS and Senator ROCKEFELLER thought they had a meeting scheduled, then it was abruptly canceled because the Chairman of the Ways and Means Committee wanted to leave town. Madam President, they know how to spin this well because they have the bully pulpit. They spin things pretty well. The minority leader gets on television and says: Why is TOM DASCHLE doing this? They have the Vice President get on TV and say he is an obstructionist. This is to cover up for the fact that their lead negotiator, Chairman THOMAS, is in California doing a fundraiser when he should be in Washington working. I think they are protesting too much. I don't think they want a stimulus package. So they are trying to point all their poison arrows at Senator DASCHLE, saying he is the reason why we don't have an economic stimulus bill. He is not the reason.

Last month, Senator BAUCUS, chairman of the Finance Committee, marked up an economic stimulus package and reported it to the floor, where Senator DASCHLE immediately called it up for consideration. What happened? The Republicans killed it. Without any amendment process, it was simply killed—no negotiation, no discussion of the amendments.

What makes it even more frustrating, while their excuse for killing the economic stimulus package was that it violated the Budget Act—their own proposal violated the Budget Act. Had we really been trying to kill the stimulus package, we would have raised a budget point of order against their proposal. But in an effort to keep it before the Senate so that we could debate the substance and contents of an economic stimulus, we decided not to raise a point of order. How can they brand Senator DASCHLE an obstructionist? They are the obstructionists. I repeat, they are protesting too much.

For example, the former chairman of the Budget Committee, Senator DOMENICI, came to me a few weeks ago with a proposal I think should have the most serious of discussion. He said: Let's not have withholding taxes collected from the employee or the employer for a month; a proposal that would cost approximately \$38 billion. That money would shoot back into the economy like an injection of penicillin. It would be so good for the economy. But no, we were not given a chance to consider that either.

I hope people understand this is a game that is being played. There are no negotiations going on. Our friends on the other side of the aisle won't talk to us. The person supposedly leading the negotiations for the Republicans headed off for California.

I hope Chairman HARKIN gets into the meat of this discussion on the farm

bill and that we do not lose sight of the fact that not only are these farm programs great for the country, because we all eat food and America is the farm basket of the world, but they stimulate the economy.

The provisions in this bill—I have worked with the chairman of the committee—are going to be good for the economy. I heard the Republican leader on television over the weekend say: Why do we need a farm bill? I hope the chairman of the committee will describe in detail today why we need a farm bill. We really do need a farm bill. It is important we move forward.

I want to reiterate my point about the meetings that were canceled over the weekend. In the spirit of an agreement reached by the Senate, the House, and the administration, BAUCUS, ROCKEFELLER, GRASSLEY, THOMAS, ARMEY, and RANGEL were supposed to meet on Friday. As I said, without the courtesy of even a simple phone call, the chairman of the Ways and Means Committee, Mr. THOMAS, took off for California. Even Senator GRASSLEY, representing the Republicans, expressed dismay that the negotiations had been rudely interrupted and canceled.

Madam President, with people refusing to meet and negotiate, I'd say that it is pretty clear who is obstructing.

Mr. HARKIN. Will the Senator yield?

Mr. REID. I will be happy to yield to my friend, the chairman of the Agriculture Committee.

Mr. HARKIN. I thank the assistant majority leader for yielding, and I thank him for responding to some of the statements that were made over the weekend.

I did not watch any of the Sunday morning shows, but I read the papers this morning. I saw that Vice President CHENEY had referred to our majority leader, Senator DASCHLE, as an obstructionist, obstructing the stimulus bill. I am delighted the Senator from Nevada has clearly pointed out that no one on this side is obstructing anything. We have been more than willing to work with the other side on a number of items, but it almost seems to this Senator that their definition of obstructionism is "our way or the highway." If we do not do it all how the President or how the Vice President wants or how the Republicans want, then we are obstructionists.

We ought to work together across party lines, get bipartisan agreements, and move ahead. It is not this side that has been obstructing anything. We have wanted to move ahead with legislation.

Take the farm bill—and I will have more to say about it this afternoon. We have been trying to get some time agreements. A request was proposed by our staff earlier that we have a time agreement and that all first-degree amendments at least be laid down by tomorrow afternoon. It was objected to on the Republican side, not on this side.

Everyone knew the farm bill was going to be up. It was laid down last week. Yet they are objecting to having some meaningful debate. No one wants to cut off amendments, but at least we can have some amendments laid down, have time agreements, and debate them.

Second, on the stimulus package, I think the Senator from Nevada is right. I think they are protesting too much on the other side. I smell a little bit of a rat someplace because I have been hearing from my Governor in Iowa, and I have heard from other people and other Governors from around the United States about what bad shape their economies are in right now and how their legislatures will be meeting in January.

Their budget situations look very dire. They are cutting expenses; they are cutting education; they are cutting other programs around the States. They have looked at the proposed Republican stimulus bill with all of the tax cuts, and they have now begun to figure out what that is going to mean in the States and how the State budgets are going to be impacted by these proposed tax cuts the Republicans have proposed in the stimulus package.

A lot of States are saying: Don't give us so much of this "help" because the tax cuts you are putting in there are going to help a lot of the large corporations, a lot of the wealthiest in our country, but at the same time it is going to take money out of our States at a time during the recession when our States can ill afford it.

There is some feedback. Of course, our friends on the other side of the aisle are a little bit in a bind. They promised their big-wig supporters—the big companies and the big corporations—all these tax cuts they were going to get for them, and even though they want to deliver, they cannot because they are going to hurt a lot of the Republican Governors and Democratic Governors, too, in the State budgets. Maybe our friends are caught in a little bit of a bind, promising too much to the large corporations and the wealthy of this country, and then finding out what the impact is going to be on our States.

What they have come up with is not a stimulus package. It is simply a tax relief package for the biggest and wealthiest in our country. That is not stimulus at all.

If they want to sit down, negotiate, talk about it, and work out agreements, that is the spirit of this place and that is what we ought to be doing. To say it is their way or no way, and we say we want to work it out, and they say we are being obstructionist—the American people understand that. They understand we are not being obstructionists.

Talk about obstructionism, try this one on for size. We are now engaged in a conference with the House on the reauthorization of the elementary and secondary education bill. For years,

people on both sides of the aisle—I will not point to one side or the other—people on both sides of the aisle have been saying we need to meet our Federal commitment to special education.

The agreement the Federal Government made 26 years ago was that the Federal Government would pick up at least 40 percent of the average per pupil cost of educating kids with disabilities. Twenty-six years ago, the Federal Government said that. Today our commitment is at about 15 percent. This is the single biggest issue in every school district in America—the funding for special education.

The Senate adopted an amendment offered by me and by Senator HAGEL from Nebraska that would put us on the pathway of fully funding special education over 6 years by taking it off the appropriations side and putting it on the mandatory side. We are now in conference negotiations.

The National Governors' Association, headed by a Republican Governor from Michigan, signed a letter, supported by every Governor in the United States, saying they supported the Senate's position of full funding special education.

The National School Boards Association, the National PTA, the National Education Association, the National Conference of State Legislatures—38 State legislatures have already passed resolutions supporting this full funding. The only reason we do not have 50 is because some of them were not meeting this year after we adopted it. Wait until January. All the legislatures are saying it is time the Federal Government stepped up and did its part in special education.

Here is the catch: The White House, the administration, has said no, they will not agree with the Senate position on funding for special education.

So we had our vote on it. The House voted against it. We voted for it. Okay. What is to be done then? Usually in a conference, negotiations are started and compromise is attempted.

So we offered to the House a compromise, and the House said forget it, they are not going to compromise. They do not want to fund special education one more nickel than what they have done in the bill. It is not coming from the House side. It is coming down from the other end of Pennsylvania Avenue. It is coming from the White House. It is the White House that is stonewalling.

So talk about obstructionism, that is obstructionism when the White House refuses to negotiate or reach any kind of compromise with the Senate on full funding for special education. So I think before the Vice President and others start throwing around words about obstructionism, they ought to pick up the mirror and look at themselves, especially when it comes to funding for special education.

So I thank the Senator from Nevada for pointing out the fact we have not been obstructing anything on this side, and for pointing out this so-called

stimulus package is nothing more than the old "trickle down." If those at the top are given to it, some of it may trickle down on the rest of us. We have tried that before and it has never worked; it will not work this time either.

Yes, we do need to do something about unemployment compensation. The biggest stimulus we could have right now is getting health care for our children and health care for people who do not have health care coverage right now. That is the biggest stimulus we could give to our economy and help people at the same time.

I am going to wrap up my statement, and then I am going to talk about the farm bill, another stimulus.

We are in dire straits. Rural America is hurting. We need a farm bill. When farmers know a bill is coming, they are borrowing money; they are buying new equipment; they are doing the things that stimulate the kind of growth and the kind of manufacturing we need in this country. So I sure hope we will not hear any more of this blame game, trying to blame someone for being obstructionist when all we are trying to do is work in a bipartisan fashion, as we should be doing, to reach the best decisions for the American people. So when they say "obstructionism," they say it is our way or the highway. To me, that is obstructionism.

I yield the floor.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry: Am I entitled to speak for a given time or must I seek consent of the Senate?

The PRESIDING OFFICER. The Senate is on the farm bill, and the Senator may speak as long as he wishes on the farm bill.

Mr. DOMENICI. I ask unanimous consent that I speak for only 9 minutes instead of as long as I wish, but that it not be on the farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 9 minutes.

WHERE IS THE DEMOCRATIC STIMULUS PACKAGE?

Mr. DOMENICI. Madam President, fellow Senators, especially to my good friend, HARRY REID, I will not take time this afternoon to attempt in some feeble way to rebut the statement with reference to the partisanship of the last month or so with reference to various items, including the stimulus package. Suffice it to say, the granddaddy of all partisanship occurred on the stimulus package that was reported out of the Finance Committee of the Senate because on that particular one, the conferees were instructed by the Democratic majority—and I remind everyone that majority is by one vote—they told that committee to report out a Democratic package every single Democrat Senator would support. That meant there were no Republicans because they had something

to offer, too. But rather they took a Democratic package, produced it, and then the big partisan debate started with reference to an attempt to get a stimulus package.

Where is that Democratic stimulus package? I do not have it. I wish I did. I would love to read it to the American people so they could conclude whether it is going to make jobs for people, whether that is going to excite this economy. It is still pending at the desk. It is still pending because those who produced it do not want to let the Senate vote on it because they are afraid there will be two negotiations: One when we argue in this Chamber and one when they go to conference.

Whatever their reasons, the hangup is there is a bill at the desk that was produced by a partisan majority that contains only things they want and nothing the Republicans wanted. I submit we can throw those kinds of characteristics away and ask some experts whether that bill will create new jobs.

Among the various proposals, it is the least productive of new jobs of all the proposals around. So with another effort on the part of the Democratic leadership, we are led by my very good friend, HARRY REID, to bring this back and in some way blame the Republicans, who do not even control the Senate, for this big delay.

Then what happened to the House? The House produced their own economic stimulus. Every time our friends on the other side talk about the Republicans, everybody should know that was the House Republicans who produced the bill they are speaking of, not those of us who are trying to put a package together in the Senate. The House did their own thing. They got a majority vote, and that is the way they did it.

That is not going to end up being the law. We have to get together and resolve the issue in favor of the American people, instead of in favor of who wins this bickering and this arguing.

So that is where we are.

Instead of there being a vote in the Senate on the stimulus package, a deal was cooked up for which we would never vote in the Senate: just go to conference with the House and have an argument with them and decide between the Democratic proposal that was adopted without any input from the Senate Republicans, whether that or a House-passed bill is going to be the law of the land, or which part will come out of it in terms of compromise.

Why did the House chairman call off the meetings? I never justify the House's activities, but the House chairman's reason was very simple: the majority leader had said publicly there would not be a stimulus package unless two-thirds of the Democratic Senators supported the provisions of that stimulus package. The chairman of the House read that and said, since that is their desire—and I do not go to committee meetings negotiating with an unknown two-thirds Members who are

not even present—why do we not go home, take a 5-day recess, and think it over. That is where we are.

Let anybody who would like lay blame for that 5-day delay, but it is not all singularly the problem of the chairman of the House committee when, if it is true, the leader of the other side has indicated there is no use going to conference and negotiating because there is an ominous presence that has to be looked to to make sure two-thirds of the Democratic Senators support it.

That is pretty different than most conferences. I do not blame him too much for wondering what kind of conference they were going to have. It has since been denied that it was said or that it meant that. What we ought to do is actually forget about all of that.

Before I move to the stimulus package, I must take a couple of minutes to speak with reference to the farm bill. Tomorrow, we will have plenty of time, I hope, to talk about the farm bill in more depth.

Mr. DORGAN. Will the Senator from New Mexico yield on a point?

Mr. DOMENICI. On a point?

Mr. DORGAN. Yes. The Senator from New Mexico said something I am not sure is accurate, and I wonder if I might ask a question about that.

Mr. DOMENICI. I would like to finish. I do not have much time.

Mr. DORGAN. I am glad to extend the time.

Mr. DOMENICI. I can handle anybody's question, but I want to finish my thoughts and then I will yield to the Senator.

With reference to the farm bill, I do not come to this Chamber too often on a farm bill, but I will be on this one because, first of all, it is an abomination for milk production in America and for our children who drink a lot of milk and for those in America who are encouraged to drink a lot of milk. This is a bill calculated to increase the price of milk dramatically so as to spread around a new tax so all of those producing milk can get a fair share of the new tax; not so we will produce competition and there will be a big incentive to produce good, solid, healthy milk at lower prices but, rather, to make sure those areas of the country that are not producing milk in a competitive manner will get made whole at the expense of the very competitive States such as mine and Idaho and others, that are producing substantially new ways to be competitive, safe, sound, and produce rather cheap milk for the American children and American people. We will have plenty to say about that.

The bill they are talking about in agriculture, obviously, will never become law. It has some good arguing points for five or six States that would like to convince others.

Having said that, I get back to stimulus. The news is not great with reference to the economy. It is very hard to figure out what is going on in the economy because the numbers, the sta-

tistics, the assessments are mixed. Clearly, they are not so mixed that we should call off the stimulus package. We have to do one. We ought to decide now that we don't have a lot of time and we ought to do a very simple bill.

I say to Senator REID, what I will do today is introduce a very simple economic stimulus package. The Senator might recall, in the Chamber a couple of weeks ago I shared a proposal with you with reference to an economic stimulus, that we have a 1-month holiday from the Social Security tax for both the employer and the employee. I think we ought to have that as a cornerstone. Both sets of leaders in both Houses ought to agree that is the best stimulus around of any we have seen, and then just do two other things—and all the rest we will wait and do next year—do two other things and call it a stimulus package. Indeed, it would be.

First, the tax holiday will put \$8 billion into the economy and 160 million working men and women in America get to keep the withholding. Their employers will do the same. They will not have to remit theirs. That ought to be the cornerstone. Do it for January, February. But do it. It will stimulate the economy and give it a good kick upwards. A lot of Democrats support that. It is when you put the rest of the package together we get to arguing. I submit it is so important we get rid of the other things that cause Members to argue and do those another day, another time, another way. They are not stimulus anyway.

We ought to do two things. Beyond the holiday, we ought to expand the safety net for working Americans; that is, expand it and extend unemployment payments. Some Democratic Senators and some Republicans have said we ought to do that. We ought to agree to that. An additional 13 weeks of unemployment benefits, if passed, and expand that to part-time workers—they ought to be in this alternative—that costs \$9 billion.

Last, we ought to go ahead and do the enhanced extending of cap expenditures but reduce it to 20 percent instead of 30 percent, so we would have 20 percent appreciation in 3 years.

An extension of expansion of the unemployment compensation and the stimulus package, the stimulus core, and the payroll tax holiday. I wish we could do that. I wish we could decide. There is not enough time to argue. Let's do something truly stimulative to get America going again and let that do two other things the Americans need: One for the unemployment needs and one for business needs with reference to appreciation.

I put my statement in explaining the situation of the economy, explaining the three provisions, and sending a bill along with it, in case anybody wants to see what it should look like. I send a bill with it, and that includes only the three provisions: The holiday; the 20 percent depreciation instead of 30 percent for 3 years for the capital account,

which is very much needed by small and large businesses; and last, a drastic and much needed expansion of the unemployment code of this country. The three provisions make up about a \$79 billion package. If we can pass that this week—everybody knows what they are—that will be truly something very positive.

I am happy to answer questions. If I made an error, I am happy to correct that.

Mr. DORGAN. On the point the Senator from New Mexico made about the economic stimulus or recovery plan that came out of the Senate Finance Committee, the Senator from New Mexico indicated that was at the desk—or I guess first he asked where is it; and then, it is at the desk, why isn't it pending?

Isn't it the case the bill at the desk is a House bill which was passed by the House on a clearly partisan 216 to 214 vote. In fact the bill out of the Senate Finance Committee is not at the desk, but a point of order was made against it. I believe the Senator from New Mexico supported the point of order that took the Senate Finance Committee bill off the floor, and it is not pending. I want to correct that because I think the implication of the Senator was, well, that bill is at the desk, why isn't it here? Is it not the case it was pending and a vote was held on a point of order? And I believe the Senator from New Mexico supported the point of order and therefore it is not pending.

Mr. DOMENICI. Mr. President, that may be the case. If it is the case, I yield to the facts.

Still, the situation is that at an appointed time shortly after that event, or surrounding that event, when it was declared to be violative of the Budget Act, it is quite clear the majority leader does not want to negotiate here with Republicans and in the House with Republicans and Democrats, again. So he prefers to go right to conference. He doesn't seem to be terribly concerned about what happened to the Democratic bill because he doesn't want to work anything out in the Senate because he says that means he will have to negotiate twice.

I believe we don't have to negotiate twice. We ought to look at these three points. I can see in both bodies a very large majority for these three points. That is ample for Members to go home at Christmas and say, we have a good stimulus. It can be bipartisan because there are at least 12 Senators, a mix of both sides, who support the holiday. The only reason there are not more is that they are waiting for their own provision that they supported to go away because they don't want to be for two things. But if the leadership would say we should do a simple package, one that is profoundly stimulative, we can forget about all this arguing and forget about which week what happened.

But I will go back and say, if we said that the Democrat bill was subject to a point of order, that is the way every-

thing has been going here, everything is subject to a point of order.

The truth is, it started off very non-partisan because the Finance Committee decided they would put together a bill to garner enough Democratic votes to report it out of committee. I am not arguing that we have the right to do that. I have done that on budget before. But you cannot then say it is the Republicans who don't want a tax bill when you started this process, when you started this process by saying, we want one but only if it is our way.

It is time we all forget about that. My speech is not intended to bring it all up again, just to clarify the record, and then to say forget about it and let us do something. This week we could get a stimulus done that would be about like the one I sent to the desk, we could get the rest of our work done, and we could go home.

I yield the floor.

Mr. DORGAN. Mr. President, this is very curious. My friend from New Mexico, when I asked the question about whether the bill is pending or at the desk, as was his implication, said that may or may not be the case. It either is or is not the case.

The answer is, it is not the case. I don't want people to come to the floor and say the stimulus program that came from the Senate Finance Committee is somewhere around here and the majority leader doesn't wish to bring it back to the floor. It was on the floor, we had a vote on it, and in fact every Member on the other side of the aisle voted to take it off the floor.

I think when the Senator says that may or may not be the case, this is a matter of fact. I don't want people to leave the implication that somehow there is a bill sitting at the desk, ready to come to the floor, but Senator DASCHLE chooses not to bring it to the floor. In fact, the bill at the desk is the House bill. That bill came from the House Ways and Means Committee. It was a partisan bill, written by Chairman THOMAS and the Republicans on the Ways and Means Committee—the very process the Senator from New Mexico criticizes. That was passed by the House of Representatives 216 to 214. That is what is now at the desk. It came to the floor of the Senate, and we had a debate.

It is also the case that every bill, including the House bill, the Senate Republican bill, and the bill the Senate Finance Committee passed, had a point of order that could be lodged against it.

The only point of order that was lodged was against the bill that Senator DASCHLE tried to bring to the floor of the Senate. So it is, in my judgment, a curious thing for those who voted to take the bill off the floor of the Senate and have us cease its consideration with a point of order, to now wonder aloud—repeatedly, in the last couple of weeks—where is the bill?

I said before this is not exactly a “Where's Waldo” exercise, a game that

most fathers have played with their children. We know where the bill is. It was here. It is now gone—not because of something we did. We wanted that economic stimulus and recovery bill to be passed by the Senate and to go to conference. It is gone because it was taken off the floor on a point of order—a point of order which, incidentally, we did not raise against anything else. The point of order would exist against the House-passed bill and against the Senate Republican bill.

Because of that, the decision was made to try to find a way to create a negotiation between the House and the Senate—and hopefully with the cooperation of the President—to see if we could construct some kind of stimulus package.

Is that an optimum way to do it or the best way to do it? I don't think so. The best way to have done this, in my judgment, would have been to consider the bill that came out of the Senate Finance Committee and in regular order offer amendments to it, have votes on it, and then go to a conference. That would have been my preference.

I must say to my friend from New Mexico that I have great admiration for his legislative skills. He is a great speaker and good thinker, and I think the suggestion he has with respect to the payroll tax is, in fact, stimulative. The point is he has some suggestions that have some stimulus capability to them. But to go out and then go through 5 or 6 minutes of the same sort of thing we heard on the talk shows all weekend about Senator DASCHLE and say that is not what it is all about, let's forget what I just said—you know, somehow that doesn't make much sense to me.

Mr. DOMENICI. Will the Senator yield?

Mr. DORGAN. In the end, the question before the American people about how you fix and provide lift to the American economy is not about Republicans or Democrats. It also is not about conservatives or liberals, and it is not about the House or the Senate. It is about right and wrong. There is a right way to do this and a wrong way to do it. Most of us are not certain what is right or wrong. But consult with the best economists in America, just consult with the best economists you can find in this country, and ask them: Which set of policies do you think give us the best chance for this economy to recover? You know that the answer is not this.

The Senator will say that is what the House did: That is exactly what we are negotiating at this point because Chairman THOMAS brings this to the negotiating table. What “this”? Let me read—I will be happy to yield in a moment. Let me read from the Wall Street Journal—no liberal bastion, I might say.

When President Bush and Congress sat down to another round of tax-cutting this fall in the hopes of stimulating the economy, business groups were welcomed to the table.

Now, many of the country's biggest corporations are reaching for an oversized portion.

The companies could end up grabbing refund checks worth hundreds of millions of dollars each, thanks to one of the many business breaks in the tax-cut package fashioned by House Republican leaders that could come to a House vote this week. Democrats' objections are to be expected, but even some Senate Republicans and Bush officials have distanced themselves.

As you know, the Secretary of the Treasury called this "show business." Those are the words to describe what the House of Representatives did.

I don't come here to decide that one side is all right or one side is all wrong. But I am a little chagrined about what is happening here, about people talking about what the majority leader has or hasn't done, what the majority leader could or could not do. The majority leader did the responsible thing. He brought a stimulus bill to the floor of the Senate for debate. It wasn't his action that took it from pending consideration. It was a point of order made by the other side, Republicans, that actually took it off the Senate floor.

I will, without losing my right to the floor, be happy to yield to the Senator from New Mexico for a question.

Mr. DOMENICI. Mr. President, I do not have a question. If I may just have a minute to make a statement, the Senator can then take as much time as he would like to rebut me.

Mr. DORGAN. Mr. President, of course I will allow the Senator from New Mexico to make a minute statement. The purpose of discourse on the floor is to ask questions and respond to questions. But if the Senator would like to have a minute—without my yielding the floor—I would be happy to do that.

Mr. DOMENICI. I just want to make one statement as to the issue of whether or not the American people were going to ever get a stimulus. They could look up here and say Congress passed a bill that people outside of government, who know about our economy, say will help us, the American consumers. That started down the partisan path when the Finance Committee of the Senate was told it was to produce a Democratic bill. They did. They got every Democrat to vote for it and no Republicans.

All I am suggesting is, that started us down a path that was full of partisan thorns. Instead of us going down a nice, easy street to get Americans what they deserve, we started down a partisan path that got us here today.

The House may be as partisan as can be. Their bill may be everything the distinguished Senator is going to say about it. But it may not, also. But it may be. That is his assessment of their bill.

We do not have a bill we are going to discuss because they produced a purely Democratic bill that did not have any Republican support. If in fact we did what he said, it was subject to a point

of order and we voted it down so it would not be the pending business. Those are still the facts. I regret that it doesn't set too well with the other side when somebody comes down here for 8 or 9 minutes—and that is all the time we have been here—and interrupts their conversation, which has been going on day after day, that kind of blames all this on the Republicans. I do not choose to blame it on the Democrats. I choose to say let's get a stimulus package and let's have some leadership, to say it is too late to get everything we want and it is too late to argue. Let's just get a stimulus package by going to conference with some leadership saying let's do a simple but good thing.

I offer a suggestion today as to what that could be. I am just as vulnerable to being prejudiced in favor of the holiday portion of it as others are for business or labor provisions that they want in this. But I think we should get off the partisan path, get onto another one. And, frankly, the Agriculture bill can be debated, the remaining appropriations bill, and a nice, simple stimulus package could be put together if indeed we just chose to move to another path.

I yield the floor and thank the Senator for yielding to me.

Mr. DORGAN. Mr. President, if I may continue, I find this really interesting. I believe this past spring the Budget Committee sent out a wholly partisan document supported only by the Republicans after they refused to meet with the Democrat members of the committee.

I don't think we are interested in a lot of finger pointing. I think the American people are interested in a question of who is going to offer proposals that constructively help this American economy.

I am going to say some things about the House bill because the House bill is what comes to the conference. It is not a question of may or may not be good. The House bill is atrocious. Does anybody in this country think that, with an economy that is very weak, with an economy with a substantial overcapacity, the way to resolve the problems of this economy and provide lift and opportunity in this economy is to give Ford a \$1 billion tax rebate check, or IBM, a \$1.4 billion tax rebate check for corporate alternative minimum taxes paid going back to 1988? They won't do that for individuals who paid an alternative minimum tax but just for corporations at a time when there is overcapacity.

Is there anyone who can find an economist who thinks this is going to help the American economy? It is not.

How about the hundreds of thousands of people who have lost their jobs?

Every economist will concede that one way to stimulate this economy is to help those people who have lost their jobs with extended unemployment benefits. A fair number have no benefits at all and we should provide

something to help them during these tough times. Every economist says that will help this economy because every one of those dollars will be spent almost immediately. That is the way you help this economy.

There are other ways as well: A combination of tax breaks, yes—for business and others—rebates to be helpful to some people who didn't get tax breaks earlier this year; and, extend unemployment benefits. There are other things we can do.

But what was done in the House of Representatives—you talk about the sounds of the hogs in the corn crib just grunting and shoving around doing what they can to cobble together a bill with left-over policies they didn't get done in any other tax bills is exactly what happened here. This has nothing to do with stimulus.

That is not why I came to the floor. I am just curious. My colleague came to the floor to spend about 5 to 6 minutes talking about what the Democrats have done to make all of this partisan and political, and then said: But it is not my intention to cast blame or to talk about the Democrats—after the first 5 minutes talking about the Democrats and Senator DASCHLE.

Let me make this point about this issue. We brought this stimulus bill to the floor of the Senate. It is not here now because a point of order was lodged against it, and every Member of the minority party in the Senate voted to sustain that point of order. That is why it is not here. The next time somebody asks the question, write it down. Take a 2-by-5 card and write it down for those who voted to sustain a point of order. Write a little note that says: I voted to take the stimulus bill off the floor of the Senate so it couldn't any longer be considered so you will know that. You don't have to repeatedly ask these questions.

We have this negotiation going on. It is supposed to go on. The chairman of the Ways and Means Committee went to California this weekend instead of meeting over the weekend as previously decided. I do not know about all of that.

But at the end of the day, the American people deserve to have a package of proposals from this Congress that really gives a lift to this economy. This economy is in trouble. We have a responsibility to help. It is not going to help by people coming here and pointing this way or that way. As I said, there is not a Republican or Democratic way to stimulate the economy, but there is the right way and the wrong way. We have received some pretty good advice on which is which.

My judgment is that in the coming days we can put together a proposal that will be helpful to this country. That is our obligation.

AGRICULTURE, CONSERVATION,
AND RURAL ENHANCEMENT ACT
OF 2001—Resumed

Mr. DORGAN. Mr. President, the underlying farm bill is on the floor of the Senate. When you talk about economic recovery and economic stimulus, what can promote economic recovery better in this country than to help those on America's farms? Recovery, in my judgment, begins at the roots. It seems to me that what has always nourished America has rolled from the family farms to the small towns and big cities. Whether it is economic opportunity or economic progress, family values have always nourished our country.

Our farmers are in significant trouble. We have struggled and fought and scrapped and tried to get this bill to the floor of the Senate. We have the Secretary of Agriculture calling around saying don't do it. In fact, the Secretary of Agriculture pushed very hard to prevent the House from doing it, and Congressman COMBEST, who is of the other political party—God bless him—said: I am going to do it anyway. It needs to be done; it ought to be done now. And he did it, and ran a farm bill through the House. Good for him.

We are struggling to get a farm bill through the Senate. Senator HARKIN brought a farm bill from his committee, and it is now on the floor of the Senate.

Let me read from a letter of December 10 addressed to Senator DASCHLE and Senator LOTT. It says:

The undersigned farm, commodity and lender organizations write to thank you for your efforts to expedite the debate and consideration of a new farm bill in the United States Senate, and urge that the legislation be completed in a timely manner without delay. We believe it is vitally important that this legislation be enacted this year to provide an important economic stimulus to rural America before Congress adjourns.

We fully understand the policy differences exist regarding this important legislation, and would encourage a healthy debate on these issues. However, we are very concerned that the timeframe to pass this legislation is rapidly drawing to a close. We believe this will require the Senate to complete a thorough debate and achieve passage of the legislation by Wednesday evening, December 12th.

I will include in the RECORD a list of who is who in American agriculture. It is virtually every organization: American Farm Bureau, National Farmers Union, National Corn Growers, National Cotton Council. Virtually every organization that represents family farmers is asking this Senate to do the right thing, to consider this farm bill, move it along today, tomorrow, or the next day, and offer amendments to try to get it out of the Senate and get it into conference so we can put a bill on the desk of the President for signature.

My hope is that we can do that before we leave town. It is a struggle. It is not easy, but it is achievable.

I ask unanimous consent that the letters be printed in the RECORD.

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

DECEMBER 10, 2001.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. TRENT LOTT,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATORS DASCHLE AND LOTT: The undersigned farm, commodity and lender organizations write to thank you for your efforts to expedite the debate and consideration of a new farm bill in the United States Senate, and to urge that the legislation be completed in a timely manner without delay. We believe it is vitally important that this legislation be enacted this year to provide an important economic stimulus to rural America before Congress adjourns.

We fully understand that policy differences exist regarding this important legislation, and would encourage a healthy debate on these issues. However, we are very concerned that the timeframe to pass this legislation is rapidly drawing to a close. We believe this will require the Senate to complete a thorough debate and achieve passage of the legislation by Wednesday evening, December 12.

We urge you to allow members an opportunity to offer amendments that are relevant to the development of sound agricultural policy while opposing any amendments designed to delay passage of this important legislation by running out the clock prior to the adjournment of Congress.

New farm legislation must be enacted this year to stimulate and stabilize our rural economy that has been in an economic downturn for five years with no turn-around in sight. Unlike many sectors of the economy, production agriculture did not share in the economic growth of the last decade and has been devastated by depressed commodity prices, declining market opportunities and increasing costs.

It is critical to producers, farm lenders and rural communities that a new farm bill be approved this fall to provide the assurance necessary to plan for next year's crop production.

We encourage you and your colleagues in the Senate to complete action on a new farm bill as soon as possible to provide adequate time for a conference with the House of Representatives in order to ensure a final bill can be enacted this year.

Sincerely,

Agricultural Retailers Association.
Alabama Farmers Federation.
American Association of Crop Insurers.
American Bankers Association.
American Corn Growers Association.
American Farm Bureau Federation.
American Sheep Industry Association.
American Soybean Association.
American Sugar Alliance.
CoBank.
Farm Credit Council.
Independent Community Bankers Association.
National Association of Farmer Elected Committees.
National Association of Wheat Growers.
National Barley Growers Association.
National Cooperative Business Association.
National Corn Growers Association.
National Cotton Council.
National Farmers Organization.
National Farmers Union.
National Grain Sorghum Producers.
National Milk Producers Federation.
National Sunflower Association.
South East Dairy Farmers Association.
Southern Peanut Farmers Federation.
The American Beekeeping Federation.
U.S. Canola Association.
U.S. Dry Pea and Lentil Council.
U.S. Rice Producers Association.

United Egg Producers.
Western Peanut Growers Association.
Western United Dairymen.

The PRESIDING OFFICER. The Senator from Wyoming.

SENATE AGENDA

Mr. THOMAS. Mr. President, I would like to talk about a number of things.

First, we are talking about the farm bill, but we have taken many different directions in terms of the economic stimulus. It needs to be extended.

The President suggested a package. The Republicans did not have anything to say about the bill that came out of committee. It was totally Democrat.

We need to make some changes in order to get this done. This isn't about the House. The only talk has been about what the House has done. They can do what they choose. We ought to do what we think is right.

The President asked for an extension of unemployment benefits for 13 weeks for Americans who lost their jobs due to the terrorist attacks. I am sure some will agree with that. He asked for \$11 billion for the States to help low-income workers obtain health insurance for a certain period of time. I suppose everyone would agree with that to maintain that sort of help, wouldn't they?

Also, of course, in order to create some jobs, we have been talking about accelerated depreciation to encourage companies to go ahead and purchase material and purchase machinery to create jobs. That is really what it is all about. Partial expensing, tax relief for low- and moderate-income workers—these are things that are all in the package.

It isn't as if everyone has a different idea, but we ought to have a chance to talk about them. We ought to have a chance to bring up those things and to decide what the majority of this body would like. I am sorry, I do not quite understand how we got off into this: If the Democrats do not agree, then nothing should happen; if the Republicans do not agree, then nothing should happen. That is not the way we should operate. So I am hopeful we can do this. I indeed think we should.

We are going to have to make some decisions in terms of priorities. Obviously, there is not much time left, whether we get out this week or whether we stay until Christmas. In either case, there is not a lot of time.

We have three more appropriations bills in conference that have to be resolved. Those have to be done. We got through a tough appropriations bill last Friday by staying here until 12:30 on Friday night. We will have a tough one with Health and Human Services, I am sure. But those need to be done.

Then we need to make judgments whether we are going to have energy, whether we are going to have a farm bill, whether we are going to have the insurance package—a lot of things that people talk about having. The question

is, What is the priority for us at this time?

Quite frankly, I think the leadership has been a little slow in trying to set forth their priorities. There is no use listing 15 different things people would like to do. We are not going to do that, obviously.

Indeed, in many cases we perhaps are better off to take a little more time on these tough bills to really decide where we want to be in 10 or 15 years, such as in agriculture, as to what we want agriculture to look like over a period of time. What we do on this bill is going to have a great deal of impact on agriculture.

This bill will last for 6 years, but it will have an impact beyond that. Quite frankly, we have wrestled with this issue for quite some time. I have been involved in agriculture all my life in one way or another. We seem to kind of move in short spurts to take care of what the problem is here, what the problem is there; and, yes, you have to do that, of course. But the fact is, we ought to be looking at a policy that takes us down the road to where we want to be, where we have a safety net of some kind for agriculture, where agricultural production is needed in the marketplace, where there is a marketplace for agricultural production, where we do some of the kinds of things that will maintain open spaces and the conservation and land over time that we would like to have. Those are the kinds of long-term things that I think are very important.

So as we undertake farm bills, they need to be given a lot of thought. That did not happen in the committee, as a matter of fact. We only had a very short time to deal with it. And it became an issue for the chairman, the leadership, to get that bill out in 10 days, or a week or so. So we were talking about various numbers of titles. We would get the title of the proposal one night and try to vote on it the next morning. That isn't the way to do it. We did not have time to digest it, let alone have an opportunity to talk with the people at home in terms of how it would impact agriculture. And that really is part of it.

The bill that is before us now is, of course, the Harkin bill. I think we need to support a bill that will continue to move agriculture towards a market-oriented situation so that the emphasis and the incentives for agriculture are to produce those things the price would indicate are to be marketed.

There are programs in the past we have used with certain very high price supports that encouraged production in which there was no marketability. Everyone wants to have this underpinning support, of course, but then you have to be very careful as to what you do with that.

We need to place more emphasis on broader agriculture. Agriculture bills that started generally in the 1930s were oriented towards what are called the program crops. They are corn and soy-

beans and half a dozen crops, mostly in the Middle West. And now agriculture has changed to where you have all kinds of crops in all kinds of places.

So I think in the future, as we look to where we want to go, we have to find a program that deals with more people in agriculture for some kind of safety net security.

Some 40 percent of agricultural products goes into foreign trade. So we have to deal with the kind of trade arrangements that we have around the world, WTO particularly. We have to have a farm program that does not conflict there or allows other countries to put up obstacles to our foreign trade. So those are the kinds of issues that need to be considered.

We need to keep working lands in production. The idea of having a program that sets aside acres and acres of land in some kind of conservation reserve, where they are no longer productive, is not an economically sound policy to have over time. What we need to do is have a conservation program that impacts all of these acres and lets them continue to be useful, whether it is grass, whether it is trees, or whatever it turns out to be.

The bill before us generally takes us in the wrong direction, takes us back towards the agricultural programs of the 1930s during the Depression. It endorses higher loan rates which would encourage overproduction. Prices for U.S. products, that are almost out of reach for our markets around the world, will be even higher.

It has a commodity title that puts, because of our arrangements in world trade, our producers and industry at risk of retaliation. It threatens to exceed our so-called "amber box" obligations in WTO. They are watching every move we make to see if that is or is not the case. And it can impede us with the kinds of difficulties it brings.

The conservation title is really sort of a gimmick. It substantially boosts conservation spending in fiscal years 2002 to 2006 and then reduces it dramatically for the remainder of the time simply to make it fit into the budget. That isn't going to work over a period of time. That is a ballooning of expenditures early to make it acceptable, and then it does not continue until the bill expires.

So these are some of the issues with which we are faced. We can change those if we have an opportunity to have amendments, if we have an opportunity to consider a bill that will be proposed as an alternative that has some different ideas in it. We should have an opportunity to vote on that.

But with more and more environmental provisions that landowners and farmers and ranchers have to abide with—and, indeed, in some cases at least they should—then there needs to be assistance for that, assistance in the future to have the kind of technical help that is required, for instance, in nonpoint source water protection.

There are lots of things that have to be done to comply with EPA regula-

tions by landowners. They need help to do that. That is one of the things that ought to be done. We ought to be able to have a budget that goes out over time.

The Cochran-Roberts amendment will be a substitute that takes a little different direction, gives us an option, gives us a chance to do some things. The payments are considered to be WTO "green box" payments, so you can have support for agriculture without running into conflicts in terms of trade. It will not place our producers at risk for a challenge from other countries. It gives an opportunity to producers to obtain support through a farm savings account so they can continue to save with the help of Government contributions.

The conservation title has programs that keep working lands in production, and it extends it beyond the program crops. My State, of course, is largely a livestock State, so conservation that applies to grasslands, and those kinds of things, is equally as interesting.

There is a program called the Environmental Quality Incentives Program, QUIP, which provides technical assistance. That is a program that is quite important, I believe.

So we are going to have an opportunity to look at some of the options to see if we can do the things that I think are most important; that is, to have a plan over time that provides for the encouragement of production, production that will then be marketed, that provides for the conservation of all the lands, so when we are through with the land, we will see that we have open spaces and that we have an effort made through this program to develop more and more markets, whether they be overseas or whether they be domestic, and that it is fiscally responsible so that we have a budget for the entire length of the bill and one that is trade compliant.

I am certainly in favor of us having a bill. I don't think it makes a world of difference whether it is done in the next week or whether it is done in the early part of next year. The Budget Committee chairman from North Dakota continues to say we won't have the money next year. I don't see any reason why we don't have as much money in February as we do in December. There won't be a new budget by that time. Things will not have changed. If we could do a better job by having a little more time to work on it, I favor that. If we can get the job done in the short while and have the opportunity to make the changes, have the opportunity to examine the contents of the bill—which, frankly, most of us have not even had, and we are on the committee—then that is the need that we must have.

I look forward to us moving forward and accomplishing those things. I do hope that we do set our priorities on timing and do not move into this question of trying to do everything. That is always a problem at the end of a session. Everything that has not been

done up to that time, regardless of the reason it has not been done, suddenly becomes the most important action that could ever occur and has to be done in the last few days. We have had enough experience of knowing that many times those things don't turn out as well as they should.

I am hopeful we will deal with these things with as much time and knowledge and opportunity to participate as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

AGRICULTURE, CONSERVATION, AND RURAL ENHANCEMENT ACT OF 2001—Continued

Mr. HARKIN. Mr. President, the bill before the Senate now is the committee-reported farm bill, a 5-year farm bill. It is a comprehensive bill providing major improvements to the farm commodity and income protection programs, conservation, rural economic development, trade, research, nutrition assistance, renewable energy, credit, and forestry.

The legislation is within our budget limitations for the new farm bill. We were allowed \$7.35 billion for fiscal year 2002, and \$73.5 billion for 10 years above baseline spending. The bill is fully within those limitations. I hope we can move forward and work our way through this bill. We are, of course, ready to consider amendments tomorrow and debate the issues and pass the bill, go to conference, and send it to the President. The sooner we can get the amendments debated here and voted on, the sooner we can get to conference.

There is a need to move ahead with this bill now. Farmers around the country need to know what the farm program will be for next year so they can make decisions, arrange their financing, their loans, line up their input and supplies for next year. It is important for farmers to get this legislation passed.

It is important for all of America to get this bill passed because, as has often been said, it all really does start on the farm. With food being such a critical commodity for our own people but also in our trade relations, it is necessary that we send clear signals that we are going to have a meaningful farm program for next year and the year beyond.

That is part of the reason. There is another reason why we have to move ahead. That is the area of conservation. Some of the critical conservation programs are out of money. The wetlands reserve program, the farmland protection program, and the wildlife habitat incentives program are out of money now. The longer we wait and delay on the farm bill in getting it to the President to get it signed, that means that more and more we will have a backlog of needs in all of those areas of conservation.

The environmental quality incentives program is underfunded and far short of resources that are needed. The bill before us would substantially increase funding for all of these important conservation programs. However, if we don't pass it soon, the USDA will not be able to carry out effective programs during the present fiscal year.

In addition, this bill will provide important and immediate help in the areas of rural economic development, trade, and research, as I mentioned. We need to move ahead without delay.

I will take the time now to discuss some of the principal features of the bill. In order to proceed to the bill, tomorrow I will be offering a substitute amendment that will include modifications to the dairy and conservation provisions of the legislation reported from the committee. That will be an amendment in the nature of a substitute. Hopefully, there won't be any objections to that, and then we will move ahead with amendments to that as the underlying bill on the floor.

First, title 1 on commodities, the bill continues direct payments but adds countercyclical contract payments to assure that in the years of low prices, producers will receive additional support. The bill establishes income protection prices for each of the contract commodities. If the price for the commodity plus the direct payment for the year falls below the income protection price, producers would receive a countercyclical payment to make up the difference. For the first 2 years, the direct payments would be generous enough that there will be no countercyclical payments. For the third, fourth, and fifth years, the direct payments will be lower but the difference would be made up by the countercyclical payments in those years.

Quite frankly, this was really the goal of the Freedom to Farm bill that was passed in 1996. That would be direct payments; that those payments would phase down at some point. As we saw because of low prices, world conditions, other conditions, the Congress had to come in year after year after year and pass emergency funding legislation for direct payments and to add to those direct payments.

What we should have had at the start was a countercyclical program so that in times when prices are good, you don't need all those direct payments. But when prices are low, that is when you need to come back in.

When Freedom to Farm first passed, there were farmers who, quite frankly, had a pretty darn good year and prices were high, but they got a direct payment anyway. That didn't seem to make very good economic sense or policy sense. So I understand that we can't pull the plug right now. We continue the direct payments. They start to go down, but in place we have the countercyclical payments that come in in case prices are low; we all hope prices stay high. But in case they do go down, we do have the countercyclical

program. We also attempt to have additional countercyclical support through the loan program.

Our bill raises loans for every commodity with one exception, extra long staple cotton, which was held constant, and for soybeans, which we reduce from \$5.26 a bushel to \$5.20 a bushel. Again, all of this was an attempt to balance loan rates so that one would not be encouraged to plant one crop over another to plant for the loan benefits.

For other crops, the loan programs have discouraged planting of some crops, such as barley, oats, dried peas, and lentils. Those crops received better treatment in this bill, including a loan rate boost for feed grains other than corn and a new loan program for dry peas, lentils, and chickpeas.

The bill gives producers the option of retaining their current contract acres and adding oilseeds or updating their contract acres and payment yields.

They will be given choice. Farmers can upgrade their base acres in yields or they can remain with the ones they have. Farmers who have taken advantage of flexibility to switch to other crops will not lose base acres. Those who are of fewer acres covered by the current production flexibility contract will be able to update those acres and their payment yields.

In the area of dairy, the bill includes supplemental income assistance payments for dairy farmers. That is a system of payments designed to assist providers in the northeast part of the country that will help compensate for them getting out of and off of the Northeast Dairy Compact. In addition, there is a national dairy payment program for the remainder of the country. I might add that earlier on in the day the Senator from New Mexico was talking about a national tax and a payment by dairy farmers. That is not in the substitute bill that I will be offering tomorrow. I hope those who looked at the earlier version will look at the substitute because that taxing provision is not included.

American sugar producers have been facing sugar prices at or near 22-year lows for most of the past 2 years.

Our committee bill reestablishes marketing allotments for sugar in an attempt to limit domestic production levels that, with imports, will not exceed the demand for sugar for human consumption. The bill also provides the Secretary with the tools she will need to bring sugar production in line with demand.

The committee bill makes a dramatic change in the program for peanut producers to bring it more in line with other commodity programs. The bill abolishes marketing quotas. That has been a staple of peanuts ever since I have been here—for the last 27 years. It establishes a new system of peanut base acres and payment yields. The new program creates a safety net for producers in the form of marketing loans, direct payments, and countercyclical supports. So basically, the

peanut program will be phased out and the new one will be phased in and it will be similar to other commodity programs.

Finally, the commodity title provides for higher levels of purchases of fruits and vegetables for distribution through the important nutrition programs such as the National School Lunch Program and the Emergency Food Assistance Program.

Next, dealing with title II, conservation, in addition to producing food and fiber, America's farmers and ranchers are also our stewards, playing a critical role in protecting natural resources for future generations. This new farm bill recognizes that conservation is a cornerstone of sound farm policy. It will greatly increase our commitment to helping agricultural producers and landowners to protect and conserve soil, water, air, and wildlife—especially on land that is in production.

Senator LUGAR and I, and many members of the committee, share a longstanding view that the new farm bill should place a larger and much greater emphasis on conservation.

Over the past months, we and our staffers have worked together to develop the conservation title reported out of committee.

I point out that this title was reported unanimously out of committee because it reflects good policy that helps the full array of producers represented in the committee and in the Senate. The substitute I will be offering will build on the committee's conservation title and will add about \$1 billion more in conservation funding to focus additional funding in the 5 years covered by the bill.

The conservation title basically doubles our funding for conservation by adding \$21.5 billion to baseline spending for conservation programs, for a total of \$43 billion over 10 years. We basically double funding for conservation.

Our bill also brings balance to spending on land retirement programs such as the Conservation Reserve Program and the Wetlands Reserve Program, balancing that with programs for working lands such as the Conservation Security Program, EQIP, and the Wildlife Habitat Incentives Program.

Our bill will establish a new incentive payment program and the Conservation Security Program, which will both improve farm income and increase agricultural conservation. This program adopts a comprehensive, inclusive national approach to conservation on working lands. It provides incentive payments to farmers and ranchers who voluntarily maintain and adopt conservation practices that are appropriate for the local areas and each individual operation. In this way, we not only retain the conservation achievements of the past, but we encourage increased conservation in the future.

Again, I point out that the conservation and security program is not a top-

down, one-size-fits-all. It is designed to be geared toward the individual farmers in different parts of the country. What may be good for conservation in West Virginia may not be good in Iowa. This bill recognizes that it has to come really from the bottom up, within certain guidelines, and protecting air, oil, water, and natural habitats. But that is basically what the conservation and security program is designed to do, to help farmers with their conservation on the land they have in production.

The acreage cap for the Conservation Reserve Program has been increased from 36 million acres, the present limit, to 42 million acres. The legislation more than doubles the Wetlands Reserve Program. It increases the acreage cap by 1.25 million acres above the current 1,075,000 acres. There is also an allowance for 25,000 acres annually to be enrolled in the Wetland Reserve Enhancement Program.

The legislation increases funding for the Environmental Quality Incentives Program, which is important to our livestock producers, up to \$1.5 billion a year, which is 7 times over the current figure. So in the critical area of helping livestock producers prevent soil runoff, water runoff, polluting rivers, streams, the Chesapeake Bay, and in other areas, we increase that program 7 times more than what it is right now. Contract amounts have been increased to \$150,000, with a \$50,000 maximum being earned in any year of the 3- to 10-year contract.

Our bill provides for 10 times more funding over the next 5 years for the Wildlife Habitat Incentives Program than was provided in the last farm bill. We go from \$50 million to \$500 million in that area.

More funding will be provided over the next 5 years for the Farmland Protection Program. This program allows for farmland and the environmental benefits of this land use to be preserved for future generations. The last farm bill allocated \$35 million for the Farmland Protection Program. Our bill increased that amount to \$1.75 billion.

A new Grassland Reserve Program to purchase permanent and long-term easements on 2 million acres of grasslands is also included in the legislation. This program will offer long-term easements, technical assistance, and restoration costs to restore or keep private lands in native grasses.

The legislation provides additional new programs besides the Grassland Reserve Program. The Water Risk Reduction Program provides for purchase of flood plain easements that retard runoff, prevent soil erosion, and safeguards life and property from floods. The Great Lakes Basin Program for Soil Erosion and Sediment Control will provide demonstration grants, technical assistance, and carry out information and education programs to improve water quality in the Great Lakes.

As chairman, I am proud that we have developed a strong, balanced pro-

posal that greatly strengthens our commitment to conservation as an integral part and cornerstone of our agricultural policy. The conservation title represents a real win for farmers, landowners, and for all Americans who have a vital interest in conserving and protecting our natural resources.

The trade title was put together on a consensus basis in the committee. It was reported out, also, on a unanimous vote. This should go a long way toward improving existing export and food aid programs. We have seen that export markets do not serve as a reliable safety net in and of themselves. But trade is and will continue to be a key outlet for U.S. agricultural products.

Over the last few decades, the U.S. agricultural economy has derived between 20 and 30 percent of its gross income from exports. United States agricultural exports have exceeded U.S. agricultural imports since the late 1950s, generating a surplus in U.S. agricultural trade—I might add, helping our overall balance of trade. So our trade title provides about \$2 billion above baseline over the 10-year period, roughly split between the commercial export programs and the food aid programs. The bill more than doubles existing funding for the Market Access Program, ramping up to \$190 million annually by the end of the 5-year bill. We also put additional resources into the Foreign Market Development Program, which helps our agricultural groups serve customers in overseas markets.

The Supplier Credit Program allows short-term loans to be made directly to importers rather than through a bank intermediary. We allow the length of the loan to be extended from 6 to 12 months.

There is also a strong demand for resources to help educate children in the developing world. The United Nations World Food Program believes that there are some 300 million children worldwide who are not receiving an education due to economic hardships faced by their families. With a desire to address that issue, our bill establishes and funds the International Food for Education and Nutrition Program, within or under the banner or heading of the Food for Progress Statute. This proposal was introduced last year by former Senators Dole and McGovern, long-time advocates of domestic and international feeding programs.

The shorthand phrase for this really is the "international school lunch program." We are trying to develop in emerging nations, in nations that have a need for this, the low-income places, a school lunch program so that families would see that as a benefit to send their kids to school. Right now, a lot of families in Third World countries send their children out to work as an additional income to the family. In the United States, giving a free meal to someone may not be that big a deal since we spend less than 10 percent of our income on food. But in poorer parts of the world, they are spending 60 to 70

percent or more of their disposable income on food. If we can give a free school lunch to a child and maybe give them something to take home, it will not take long for that family to figure out that is a big addition to the family income. It will serve to not only increase nutritional benefits of kids but also serve as a magnet to get them out of the workplace and into schools.

The trade title also provides more resources for the Food for Progress program and reforms and streamlines the operations for all food aid programs run by USDA and the U.S. Agency for International Development. The bill makes it easier in a number of ways for groups such as Save the Children, CARE, and Catholic Relief Services, who run many food aid projects overseas, to do their jobs while still permitting USDA and USAID to monitor them effectively.

Finally, this title also addresses the access of United States agricultural exports to Cuba. While Cuba remains a cash-poor economy, it imports a substantial share of its food, with an average value of \$660 million annually over the last few years. In particular, it is a significant buyer of rice, and prior to imposition of sanctions in the 1960s, Cuba was the single largest market for United States rice.

A February 2001 report by the U.S. International Trade Commission estimates that if we did not have the sanctions on Cuba, Cuba could buy as much as 400,000 tons of wheat, 300,000 tons of rice, and 500,000 tons of feed grains from the United States.

The Commission estimates that U.S. exports to that country could reach about \$400 million annually. By eliminating, as we do, the restriction on private financing of sales of food and medicine in current law, the bill permits U.S. exporters to begin to access this market. Again, there would be no U.S. Government funds involved. This would all be through the private sector. If the private sector wants to finance these sales, let them do it. It would be a heck of a good market for producers in this country.

Next, title IV, our nutrition title. Again, in this title we are talking about something that affects all of America, rural and urban alike. In October, we lost 415,000 jobs in America. The unemployment rate jumped to 5.4 percent. It did that in September, the largest 1-month jump in 21 years. We are facing a recession this winter. We do not know how long it is going to last. Of course, we hope it is not going to last long, but we do not know.

One of the best underpinnings for families who are out of work in America, who are looking for employment, facing some tough times, is a program that has proven its worth year after year, and that is the Food Stamp Program. Along with unemployment insurance, it is the vital part of our front-line defense against recession.

If we are talking about a stimulus package, which we talked about earlier

today and about which we will be hearing more, this is stimulus, making sure that those who are out of work and are seeking employment have the nutrition they and their children need.

It is a travesty that although we have the safest, most abundant food supply in the world—hunger in America has also been reduced in the last 30 years—still 10 percent of America's households face the possibility that they will worry about or actually not have enough food to eat.

The people who are going hungry include the working poor, single working mothers with children, seniors forced to choose between paying for food and paying for prescription medicine, and families forced each winter to choose between heating and eating. With the current economic downturn, we can only expect the situation to worsen.

At this time it is all the more critical that we strengthen our Nation's nutrition safety net. Part of that safety net, as I said, includes the Food Stamp Program, which is one of the most effective and efficient ways to help low-income families, the elderly, and the disabled. It is our Nation's largest child nutrition program since 50 percent of Food Stamp Program participants are children. In addition, fully 9 out of every 10 food stamp households include a senior, a disabled person, or a child.

Our bill provides \$6.2 billion over 10 years for improvements in the Food Stamp Program. It includes several eligibility and benefit improvements, as well as important simplifications to improve the access of working families to the program.

Provisions in the bill accomplish three key goals:

First, to strengthen the program to help people more successfully transition from welfare to work and to help shield low-wage working families from the recession, this legislation extends the period of time that a former welfare recipient is able to participate in the Food Stamp Program without having to fill out any extra paperwork and reapply from 3 months to 6 months.

Second, it extends the period of time that able-bodied adults without dependents may participate in the Food Stamp Program to allow time for them to find and keep a job.

To simplify the program and to lighten the administrative burden and avoid excluding people who qualify for the program, the bill has a number of bipartisan provisions that would simplify the program in areas such as income and resource counting, assessment of expenses for deductions, and determination of ongoing eligibility.

We cut the redtape in the program and increase coordination between other programs, such as Medicaid and Temporary Assistance to Needy Families, the TANF program. This is so people do not have to apply for Medicaid, then apply for temporary assistance, and then apply for food stamps. We are trying to wrap it into a one-stop-shop-ping concept.

A third key goal is to make a concerted effort to reach all children who are poor and for whom a proper diet is particularly crucial. It includes a provision that modestly increases benefits for larger size families with children and restores food stamp benefits to all poor legal immigrant children.

The credit title reauthorizes all current direct and guaranteed USDA farm loan programs, and it focuses on providing more credit opportunities for beginning farmers and ranchers.

The title also includes other facets of the USDA farm lending programs, for example, by making the interest rate reduction program permanent and providing that reduced paperwork requirements be available to more farmers. To address the credit needs of farmers in this time of sustained low commodity prices, the title expands the time of eligibility for direct operating loans from 7 years to 9 years.

In the area of rural development, title VI, this bill will make a real difference in economic and community development in rural America.

Rural communities have many advantages, but a lot of the time they have not shared in our country's prosperity. For too long, they have lagged behind. Rural America needs facilities and services that meet the standards of 21st century America, from basic services, such as sewer and water, to the basic services we need to compete and live in the 21st century, such as broadband Internet access. Without them, the quality of life in rural communities will be impaired and businesses will not thrive.

One of the largest problems facing rural businesses is the lack of adequate equity capital at competitive rates. While many rural businesses are not directly associated with agriculture, ventures to increase the value of agricultural commodities in rural areas are a great potential as an engine for growth. If these value-added enterprises are largely owned by agricultural producers or co-ops, there is a double benefit of economic growth and increased farm income.

These are some of the key goals for rural development that our committee has been working toward. I will just mention a few of the key provisions.

We fund a new program called the Rural Business Investment Program and a bold new program called the National Rural Cooperative and Business Equity Fund. We provide substantial funding for value-added agricultural product market development grants to help develop solid new enterprises owned by agricultural producers in rural areas.

We improve the business and industry loan guarantee program and establish a new way to fund the Rural Economic Development Grant and Loan Program.

To help smaller communities, the title applies \$100 million a year for broadband Internet access.

We also provide funding for fire-fighting and first responder training

and include a program to clear the large backlog in the USDA sewer and water and community facility program.

In title VII, the research title, the central purpose of the farm bill is to ensure the security and vitality of our food and agricultural system in rural communities. Research plays a vital but often unappreciated role in accomplishing this.

The fact that resources devoted to agricultural research have been insufficient to keep pace with the increasing needs of farms and rural communities has been of great concern to many in the agricultural community.

However, this private sector funding is mostly targeted toward addressing the needs of production agriculture, leaving the needs of many other sectors of the agricultural and rural sector unaddressed. The only way to meet these unfulfilled needs is through allocating a portion of the funds given to the committee to research programs. Therefore, we increase funding for the Initiative for Future Agricultural and Food Systems to \$145 million a year.

We also provide \$15 million a year in funding for a competitive grants program focused on rural policy research. This program will provide research grants on topics such as rural sociology; effects of demographic change; needs of groups of rural citizens; rural community development; rural infrastructure; rural health; rural education; rural extension programs, all of these in a policy research program.

The changing nature of agriculture has created a great need for farmers and ranchers to be able to utilize a wide range of tools such as risk management, precision farming, crop protection, and business planning. The bill provides \$15 million a year for a competitive grants program focused on providing beginning farmers and ranchers the information and the support they need to acquire the kind of knowledge they may not heretofore have received.

The end of the cold war, along with recent tragic terrorist attacks in America, have focused national attention on our vulnerability to biological and chemical terrorism. Agriculture is widely considered to be a vulnerable target for bioterrorism. The committee has therefore included in this title several new authorizations to bolster the Federal Government's biosecurity planning and response capabilities.

Title VIII is the forestry title. We include a sustainable forest management program to provide forest landowners and States assistance to meet multiple resource objectives on private forest lands. Funds may also be used for conservation easements to maintain forest cover and protect important forest values. The title also contains an initiative to help establish private forest landowner sustainable forestry cooperatives.

Title IX, the energy title, is a new title. This has never been in the farm bill before. It is not in the House bill,

but I am hopeful the House will accept it. It was unanimously adopted by our committee. We create a number of initiatives to develop new uses and markets for agricultural products and renewable energy, including biofuels such as ethanol and biodiesel, biomass, wind, and solar energy.

We include a grant and loan program to help establish farmer-owned renewable energy businesses to market electricity. There is also a grant and loan program to provide financing assistance to farmers so they can purchase renewable energy systems such as wind turbines, solar heat pumps, solar energy, solar electricity or solar water, methane digesters, and to make energy efficiency improvements.

Another program bolsters the development of bio-refineries to convert biomass and agricultural wastes into fuels, chemicals, and power. I believe that renewable energy will become a major cash crop for farmers, ranchers, and rural communities across the country in the coming years. We can provide new income streams for our producers, enhance rural economic development, make environmental and public health gains by reducing pollution, and increase our Nation's energy security. Promoting renewable energy as part of this bill will also change the way we think about agriculture.

I truly believe we can produce just about anything from corn, soybeans, and other agricultural products that we can produce from oil. The energy title will bring us a significant step closer to that end.

I have in my office—the office I cannot get to right now, but hopefully we will get back to our offices sometime pretty soon—a picture that was taken in 1939, the year I was born. It is an original picture of Henry Ford. He has a baseball bat and he is hitting the trunk of a car, a 1939 Ford, with the baseball bat.

This was a demonstration for the press on what Henry Ford considered to be the car of the future. He predicted at that time cars of the future would be made out of soybeans, and the trunk of the car was made from soybeans. So he was hitting the trunk with the baseball bat to show it would not dent, it would not crack, and the baseball bat just bounced right off. So Henry Ford had predicted all of the things that were in a car made from petroleum products would very shortly be made from soybeans.

The war came, and we needed to ramp up our petrochemical industries. We needed petroleum for the war effort. The United States spent trillions of dollars in World War II. We spent a lot of taxpayer money developing the oil industry in this country and enhancing the petrochemical industry of this country.

After it was developed after World War II, it was obviously then much cheaper to make all of these things from oil, to make plastics out of petrochemicals, than it was to make it from our agricultural produce.

I think the time has come to start turning that corner back again, to recognize all of the things that go into an automobile today that are made from petroleum-based chemicals and plastics can indeed be made from—well, it does not have to be soybeans. It can be a lot of other different types of agricultural products. All the steering wheels, all the plastic, all of the stuff that goes in a car can, indeed, be made from soybeans.

This title of this bill is to begin that process of ensuring we can start making more and more of our products for automobiles and for other items from agricultural-based entities rather than from petroleum.

So this energy title is one of the most exciting efforts we have ever undertaken in the farm bill. There are a lot of initiatives: wind energy, for example. We can produce a lot of wind energy in this country, so we provide grants and loans to farmers and ranchers to buy and put up windmills.

One might say, what does that have to do with agriculture? The fact is if we are going to build windmills to make electricity, we are not going to build them in the cities. They are going to have to be built in rural areas. They are going to have to be built where we have farms and ranches. I think this would be a source of income for farmers, plus it would add to the national grid the help from electricity. Biomass, methane production—there is an ethanol plant in Kansas right now that is producing ethanol and their entire heat source comes from good old methane. So there is a lot of it, it seems to me, we can begin doing. I think this is one of the most exciting parts of the farm bill.

Those really are, in a nutshell, the different titles of the farm bill. As I said, every title of this farm bill was voted unanimously in our committee, with one exception, and that is the commodity title.

I understand that people have different ideas on commodities, but what we tried to do in the commodity title was to provide a balance so that one part of the country was not getting an undue amount of money over another. We tried to keep the commodities in balance so a farmer would not be encouraged to plant one crop over another; that they truly could plant for the market and not because one had a higher loan rate than another, that type of thing. So we spent a great deal of time working to balance it, and we did come out of the committee with a bipartisan vote. It was not unanimous. I admit it was not a unanimous vote on the commodities title, but it is a measure of how much work this committee did—I do not mean just this member but Democrats and Republicans did—on this bill. Every single title got a unanimous vote, as I said, with the exception of commodities, and I believe we will be able to work that out.

I have not seen it yet, but I guess Senator ROBERTS and Senator COCHRAN

will be offering an amendment on the commodities title to change it. We will have a debate on that. I have not seen it, so I cannot debate it. We will look at it. We will consider it.

Now, Senator ROBERTS and Senator COCHRAN offered an amendment in committee. That approach was turned down. Whether or not this amendment will be the same, I don't know. I have heard it will be changed, but I have not seen it. We certainly will debate it. I hope we have a reasonable time limit on debate. I hope we don't drag this out longer than necessary. All who have been on the committee understand the different aspects of our commodity programs. I don't think it will take a huge amount of time to debate.

I believe we have a good, sound farm bill that is in the interests of all Americans—not just one area, not just one group, but all of America. I believe some of the things we have done in conservation, which is the cornerstone of this bill, are charting a new path for our farmers, a way where they can actually receive income because they are being good stewards of the land. I believe the new energy title will go a long way to helping make the United States more energy independent in the future.

The new rural equity fund we have set up is going to help bring business, provide the kind of venture capital we need. The money we provide for broadband access to our small towns and communities can be the highway to the new technologies so businesses can locate there.

All in all, it is a good farm bill. Is everything in it exactly as I would like it? Probably not; I would probably make some things different. But everything of this nature represents compromise and consensus. It came out on a bipartisan vote. All titles except one were unanimously approved. It represents a good compromise, a good consensus, a good balance between interests. That is why we are here—to work across party lines, to try to work together, knowing I can't have my way all the time and you can't have your way all the time, but together we work these things out. That is what we have done in the farm bill.

I know we will not have votes today, but I hope tomorrow when we come in we can proceed on amendments. I hope we can have some time limits. I hope the other side will agree. We tried to get an agreement earlier today to say that at some point tomorrow afternoon all first-degree amendments would have to be filed. That was objected to. We will revisit that tomorrow and perhaps reach an agreement. With healthy debate and amendments tomorrow, and perhaps Wednesday, we should be able to finish this bill sometime on Wednesday. I see no reason at all to carry it any further than that, and that is with meaningful debate on amendments.

I encourage all Senators who have amendments on the farm bill to please get them filed so we can look at how

many there are and perhaps reach an agreement on time limits to get this bill out of here by sometime late Wednesday.

I yield the floor.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from Wyoming.

UNANIMOUS-CONSENT REQUEST— EXECUTIVE CALENDAR

Mr. THOMAS. Mr. President, as if in executive session, I ask unanimous consent the majority leader, after consultation with the Republican leader, proceed to executive session no later than December 14 to consider Calendar No. 471, the nomination of Eugene Scalia to be Solicitor for the Department of Labor. I further ask consent that there be 3 hours of debate equally divided in the usual form. I ask consent, following the use and yielding back of time, the Senate proceed to vote on the confirmation of the nomination and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Was this cleared on both sides?

Mr. THOMAS. I am not certain of that. I only know this nomination has been waiting now for over 200 days.

Mr. HARKIN. I have to object if it has not been cleared on both sides. Without that assurance, I have to object.

The PRESIDING OFFICER. The objection is heard.

UNANIMOUS-CONSENT REQUEST

Mr. HARKIN. That being the case, I ask unanimous consent all first-degree amendments to the farm bill be filed no later than 3 o'clock tomorrow afternoon.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS. I object. I am afraid there is not time for all amendments. I object.

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

The PRESIDING OFFICER (Ms. STABENOW). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. HARKIN. Madam President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

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

CONGRATULATIONS TO THE UNIVERSITY OF NORTH DAKOTA AS IT WINS THE NATIONAL FOOTBALL CHAMPIONSHIP

Mr. DORGAN. Madam President, this past Saturday, the University of North Dakota's Fighting Sioux won the division II national championship football game. Anyone who watched that game on ESPN marveled at the game itself. It was one of the most exciting football games I have ever watched. It was decided in the last couple of seconds. The two teams played wonderful football. They played Grand Valley State of Michigan in division II. Grand Valley State had a 14-to-10 lead with just over 2 minutes left. The University of North Dakota actually had a fourth down with 50 seconds or so left at about the 41-yard line. It didn't look good. With 60 yards to the goal line, they passed and went down to the 1-yard line. And they drove it in.

It was one of the most exciting finishes I have ever seen.

As an alumnus of the University of North Dakota, I wanted to congratulate the coach and the team and say how proud we are of the division II football champions.

We have been national champions in division I in hockey many times. We won our national championship in women's basketball, and now in division II football.

The University of North Dakota Sioux had a wonderful day on Saturday. I congratulate these young men who made all of North Dakota proud. And I congratulate their coach.

As a graduate of the University of North Dakota, I am enormously proud of what they have done.

To recap, rare are the athletic programs that can claim the extraordinary success that the University of North Dakota has had over the last year: It has played national championship games in hockey, women's basketball and, on just this Saturday, football.

As a graduate, I'm pleased to be able to announce here on the Senate floor today that the University of North Dakota Fighting Sioux won that national Division II championship football game. And they did so in truly epic fashion, coming from behind in the final seconds.

Their opponent, Grand Valley State of Michigan, had taken a 14-10 lead with less than three minutes to play. After taking the ensuing kickoff, UND appeared to have stalled on their own 41 yard line where it was fourth down and four yards to go. But receiver Luke Schlessner caught a short pass from quarterback Kelby Klosterman, slipped what appeared to initially be a sure tackle, and ran 58 yards to within inches of the goal line. On the next play, with just 29 seconds left, Jed Perkewicz darted across. It was an electrifying conclusion that marks the Sioux's first national football championship.

As an alum, I have a special affection for the University and am enormously

proud of its distinguished and remarkable achievements in athletics, research, and academics.

Saturday's dramatic football victory fills the alumni, staff, students and friends of the university with understandable pride. And, importantly, our entire state of North Dakota shares the pride in this memorable triumph.

And so I salute the school's administration, athletic program, football staff—led by coach Dale Lennon, and, most importantly, the young men of the University of North Dakota football team. The hard work, the long hours, and the pain have paid off. We can all learn important lessons about life from these champions—lessons about perseverance, about working together and helping each other, about being a good sport.

In fact, one of the images from the game that's brightest in my mind is how the members of the Sioux team were repeatedly helping their opponents up off the turf and patting them on the back in an encouraging way it was an admirable display of sportsmanship.

These scholar-athletes play football because they love the game and, in the process, serve as role models for youngsters. In fact, they can serve as role models for the adults of this world.

And we can savor the feeling of having national champions in our midst. My congratulations to a truly superb team.

AMTRAK AMENDMENT ON DOD APPROPRIATIONS

Mr. MCCAIN. Madam President, late Friday night the Senate agreed to an amendment to the Department of Defense appropriations bill related to Amtrak. The amendment bars the use of Federal funds or revenues generated by Amtrak for preparation by Amtrak of a liquidation plan, until Congress has reauthorized Amtrak. This amendment does not, however, affect in any way the obligation of the Amtrak Reform Council to prepare and submit to Congress a plan to restructure Amtrak. Nor does it affect in any way the existing law with respect to Congressional review of the restructuring plan, and the requirement, if a restructuring proposal is not approved, for Congressional consideration of a liquidation disapproval resolution. Given Amtrak's dire financial situation, as identified by the ARC, the GAO, and the DOT Inspector General, Congress must take action early next session to provide for a restructured and rationalized passenger rail system.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to

current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in August 1990 in Burlington, VT. A gay man was brutally assaulted by two men. The assailants, Dominic P. Ladue, 28, and his brother Richard W. Ladue, 17, were convicted in connection with the assault. Dominic LaDue was sentenced to 2½ to six years in prison under Vermont's hate crime law.

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.

ADDITIONAL STATEMENTS

THE ANTI-WESTERN IMPULSE

• Mr. KYL. Mr. President, John O'Sullivan is one of the wisest men I know. Advisor to Margaret Thatcher, editor of National Review and author of political commentary here and abroad, O'Sullivan has been concerned for years about the future of Western civilization in general and the United States in particular.

In the December 17, 2001 issue of National Review, he weaves together ideas of John Fonte of the Hudson Institute, Samuel Huntington and James Burnham to elaborate on his theme that our civilization is under fundamental assault from modern liberalism, what he calls an "anti-Western impulse" assaulting "the institutions invented by classical and constitutional liberalism in its great creative phase, not merely the free market, but also individual rights, free scientific inquiry, free speech, the rule of law, majority rule, democratic accountability, and national sovereignty."

Skeptical? Then I challenge you to read what follows: "Safe for Democracy, and a Nation—The idea of this country post-9/11." It is the best statement I've seen of the challenges we face from what Fonte calls "transnational progressivism."

I ask that the commentary be printed in the RECORD.

The commentary follows.

[From the National Review, Dec. 17, 2001]

SAFE FOR DEMOCRACY, AND A NATION—THE IDEA OF THIS COUNTRY POST-9/11

(By John O'Sullivan)

One of the difficulties bedeviling political science is the protean nature of political words. As Robert Schuettinger pointed out in his study of European conservatism, the phrase "a conservative socialist" could mean a hardline Stalinist, a social-democratic revisionist, or merely a socialist who dressed and acted in a modest, inconspicuous way. When words like "conservative" and "liberal" are being used, context is all. So the theme of this article is advertised in neon when I begin with the definitions of these

philosophies advanced by two distinguished American political theorists: Samuel Huntington and James Burnham.

Writing in *The American Political Science Review* in 1957, Huntington defined conservatism as that system of ideas employed to defend established institutions when they come under fundamental attack. As Huntington himself put it: "When the foundations of society are threatened, the conservative ideology reminds men of the necessity of some institutions and the desirability of the existing ones."

And in his 1964 book, *The Suicide of the West*, James Burnham described liberalism as "the ideology of Western suicide"—not exactly that liberalism caused that suicide; more that it reconciled the West to its slow dissolution. Again, as Burnham himself put it: "It is as if a man, struck with a mortal disease, were able to say and to believe, as the flush of the fever spread over his face, 'Ah, the glow of health returning' . . . If Western civilization is wholly vanquished . . . we or our children will be able to see that ending, by the light of the principles of liberalism, not as a final defeat, but as the transition to a new and higher order in which mankind as a whole joins in a universal civilization that has risen above the parochial distinctions, divisions, and discriminations of the past."

If we put these two quotations together, the function of contemporary conservatism becomes clear: to defend the institutions of Western civilization, in their distinct American form, against a series of fundamental assaults carried out in the name of liberalism and either advocated or excused by people calling themselves liberals.

To say that liberalism advances Western suicide, of course, is to say something controversial—but something much less controversial than when Burnham wrote forty years ago. When Ivy League students from mobs chanting "Hey, hey, ho, ho, Western Civ has got to go," when their professors happily edit the classics of Western thought out of their curricula, and when the politicians preside happily over a multicultural rewriting of America's history that denies or downplays its Western roots, no one can plausibly deny that an anti-Western impulse is working itself out.

This liberal revolution is an assault on the institutions invented by classical and constitutional liberalism in its great creative phase—not merely the free market, but also individual rights, free scientific inquiry, free speech, the rule of law, majority rule, democratic accountability, and national sovereignty. It promises, of course, not to abolish these liberal institutions so much as to "transcend" them or to give them "real substance" rather than mere formal expression. In reality, however, they are abolished, and replaced by different institutions derived from a different political philosophy. John Fonte of the Hudson Institute has mapped out the contours of this revolution in a series of important essays, and most importantly in "Liberal Democracy vs. Transnational Progressivism." What follows in the next few paragraphs borrows heavily from his work, though the formulations are mine. Among the more important changes advanced by transnational progressivism (as I shall here follow Fonte in calling it) are:

One: The replacement of individual identities and rights by group identities and rights. Race and gender quotas are the most obvious expression of this concept, but its implications run much further—suggesting, for instance, that groups as such have opinions or, in the jargon, "perspectives." Individuals who express opinions that run counter to the perspectives of their group, therefore, cannot really represent the group.

Two: An attack upon majority rule as the main mechanism of democratic government. Majority rule, its opponents contend, gives insufficient weight to minority or "victim" groups, and should be replaced by a power-sharing arrangement among different groups. This ambitious concept has not been totally enacted anywhere, but steps towards it have been taken. The Voting Rights Act, for example, requires that election districts be drawn in such a way as to ensure specific racial outcomes; and some European nations have recently introduced laws requiring political parties to ensure that a given percentage of their election candidates are women.

Three: Transferring power from political institutions directly accountable to the voters, such as Congress, to judges, bureaucratic agencies, and international organizations outside the control of the voters. Originally, this transfer of power required the consent of the elected bodies; increasingly, however, judges interpret international law, including treaties that have not been ratified or that have been greatly expanded in scope since ratification, as overriding domestic law. This process, still in its nervous infancy in the U.S., is far advanced in the European Union—where the courts have overruled national legislatures on issues as different as territorial fishing rights and the right of soldiers to become pregnant. If allowed to continue, this trend must first erode and eventually render obsolete both national sovereignty and self-government.

Four: De-constructing and re-constructing the self-understanding of America. Every nation has a sense of itself and its history that is embedded in a national narrative marked by heroic episodes. In this traditional narrative, America is the progressive universalization of English civilization—Magna Carta expanded to accommodate slaves, and later immigrants, and enriched by the cultures they brought with them. It is therefore a branch of a branch of Western civilization; but multiculturalism seeks to undermine this self-understanding and to replace it with an entirely different narrative, in which America is seen as a "convergence" of European, African, and Amerindian civilizations (and therefore the natural basis for a political system based on group identities and rights). This re-constructionist impulse has become the orthodoxy in many public schools.

Five: Re-constructing the people by mass immigration from other cultures. As long as new immigrants are assimilated into the existing nation, no problem arises; if assimilation fails to occur, the nation is gradually dissolved into a Babel of different cultural groups with conflicting allegiances. Under existing law, however, assimilation is not only made difficult by the sheer numbers of people arriving, it is also discouraged by official policies of multiculturalism and bilingualism.

Six: Divorcing citizenship from nationality and bestowing the rights of citizens—including the right to vote—on all residents in the nation, including illegal immigrants. According to this theory, citizenship should be carried on an immigrant's back to whichever nation he manages to sneak into. If seriously implemented in law, it would transform nations into mere places of residence; the symbol of this kind of citizenship is Mohamed Atta, the hijacker who destroyed the World Trade Center.

In the post-national world Fonte described, nations are no longer peoples united by a common history and culture, and "the mystic chords of memory"; they are simply the varied inhabitants of an arbitrary piece of real estate. Political authority is no longer constitutionally limited and located in particular national institutions; it is diffuse,

and scattered among bodies at different levels. Politicians no longer have to take responsibility for hard decisions; they can pass them onto higher organs of unaccountable power. Civic patriotism is no longer the prime civic virtue; it is displaced either downwards, by a narrow ethnic loyalty, or upwards, by a cosmopolitan loyalty to international institutions.

But a terrible beauty has not been born. Instead, Leviathan, by dividing itself up into several spheres, has slipped free of constitutional restraints and popular control. For the ordinary voter the world has become a mysterious place, far more difficult to navigate, let alone control. For political elites, it has become a market in power in which bureaucrats, pressure groups, businesses, and international lawyers exchange favors behind a veil of post-national irresponsibility.

For years, this progressivist revolution proceeded rapidly, chiefly because the public was paying little or no attention to it. But whenever it emerged into the light of controversy—as when Lani Buiner's nomination led to the revelation that law professors believed in something like John C. Calhoun's "concurrent majorities"—the public reacted violently against it. The typical lack of public interest was due in part to the GOP's nervous reluctance to raise such issues as racial preferences, bilingual education, or even the International Criminal Court. Although conservatism dictated a principled defense of the Constitution against these attacks, the Republicans backed off. In effect, they went from ignoring such assaults under Reagan, to going along with them quietly under George H. W. Bush; to even embracing some of them with a show of enthusiasm under George W. Bush. If the revolution were to be stopped, the political equivalent of a thunderbolt would be required.

To everyone's horror, that thunderbolt was delivered, in the form of the attack on September 11; as everyone agrees, that changed everything. In particular it revealed that America had deep reserves of patriotism and that there was a wide, though not universal, desire for national unity. In one terrifying moment, it created or revived constituencies for a firm assimilationist approach, for tighter immigration policies that protected U.S. security, for a reading of American history as the narrative of a great achievement, and for the celebration of U.S. power against all the recently fashionable follies of post-nationalism. In foreign policy, the Bush administration met this public appetite with a clear declaration of war on terrorism, and a clear military strategy for waging it; it has been rewarded for this with high popular support.

In domestic policy, however, it has been largely inert—preferring to constrain liberties internally rather than to strengthen protections against external threats. In the less tangible but vitally important matter of national unity and moral, it has concentrated entirely on (very proper) warnings against anti-Muslim sentiment—but without asking for expressions of loyalty from Muslim leaders or, more generally, asking immigrant communities to make a public commitment of their loyalty to the American nation. That is a profound mistake. Most immigrants would be happy to make such a commitment; it is America's cultural elites who would resist it most strongly.

But then, they are the shock troops of post-national progressivism; and they would realize that the demand for loyalty would be an unmistakable sign that America had recovered complete confidence in itself, in its own institutions of constitutional democracy, and in its historical mission. Without such a demand, moreover, many decent moderate people might drift idly into the kind of

multicultural extremism that helped shelter the World Trade Center attackers. For, as Americans above all should know, you can't beat something with nothing.

This, then, is a moment of great significance and opportunity in American politics. Democracy and the nation-state are the Siamese twins of political theory; democracy rarely survives apart from its twin. Every attempt to create a multicultural democracy either has failed or is deeply troubled. Bush could very reasonably weave a national appeal around the theme of defending American democracy—with equal emphasis on both words. It would resonate strongly with the American majority; command the support of many voters in minority groups; provide the GOP with a raft of popular domestic policies; and attract Democratic constituencies such as patriotic blue-collar workers. And if such an appeal is not made, the progressivist revolution is going to end up winning.●

IN MEMORY OF JAMES CLOEREN AND JERRY NORTON.

● Mr. SARBANES. Mr. President, on October 30, the State of Maryland, our Nation, their families and the Johns Hopkins Applied Physics Laboratory lost James Cloeren and Jerry Norton in a tragic accident. They died while flying their experimental aircraft near Westminster, MD.

James Cloeren and Jerry Norton were engineers and world renowned experts on ultra-stable oscillators used in satellites for navigation. They spent their careers advancing the technical development of our national space program, both defense and civilian. They built custom oscillators for the National Aeronautics and Space Administration, the Jet Propulsion Laboratory and the European Space Agency. Oscillators are precision instruments, similar to a clock that would lose no more than a second in a million years. Clocks on data-collecting satellites must be precise and endure radical changes in temperatures and shifts in magnetic pull. The Jet Propulsion Lab described their instruments as "the finest in the solar system in terms of the cleanliness and stability of their output". At the time of their deaths they were working to complete four oscillators that are the heart and soul of a pair of NASA satellites. Using ultra stable oscillators, the satellite will measure small gravitational perturbations that reflect climate changes. The satellite program is called GRACE. Their colleagues at APL are working hard to finish Mr. Cloeren's and Mr. Norton's work. NASA has directed APL to affix the names of Jim and Jerry upon the oscillators in recognition of their pioneering work in space. What a fitting monument that these two satellites will carry the names of these two colleagues who were united in work, friendship and death.

Mr. Cloeren had worked at APL for 20 years and Mr. Norton for 40 years.

Our thoughts and prayers go out to Jim's wife Sally of Westminster, MD and daughter Cathy Racow of Boca Raton, FL and Jerry's wife Ann and

daughters Maria Lawall, Jane, Tina and 4 grandchildren of Marriottsville, MD.●

TRIBUTE TO UND'S FIGHTING SIOUX, NCAA DIVISION II FOOTBALL CHAMPIONS

● Mr. CONRAD. Mr. President, I rise today to note the accomplishment of the University of North Dakota football team, who on Saturday won the NCAA Division II football championship, defeating Grand Valley State University of Michigan.

It was a nail-biter, and one of the most remarkable, last-minute comebacks in the history of championship football.

UND's spectacular defense held the Grand Valley State team to 14 points, but with less than three minutes to play, and 80 yards to go, we were trailing 14-10. A field goal wouldn't do it. We had to drive the length of the field and score a touchdown. It looked as though the championship would slip from our grasp.

Moving the ball out to their 41-yard line, UND faced a crucial fourth-down play, needing four yards to keep the drive alive. Quarterback Kelby Klosterman linked up with wide receiver Luke Schleusner on an incredible 58-yard pass play, landing us on the one-yard line. Running back Jed Perkerewicz took the ball the final yard in the last 29 seconds to win the game and the championship for Grand Forks and North Dakota. It was the first national football title in the school's 105-year history.

These were well-matched teams and worthy opponents. Yardage and time of possession were very close, almost identical. UND's 80-yard final drive made the difference. Imagine the pressure.

Only minutes left on the clock, a national championship at stake, and nearly the whole field left to drive. It's a measure of this team's grit and determination that the final drive was marked by two fourth-down conversions. Converting on a fourth down is do or die, fail, and it's all over. UND did it not once, but twice. That's a demonstration of real character.

All of North Dakota is celebrating this tremendous win, but this is an especially sweet victory for the people of Grand Forks. They know about comebacks against long odds. After the floods of 1997 all but destroyed the town, and badly damaged the university, they came back. And Grand Forks is on its way to being bigger and better than ever.

Grand Forks is a comeback town, and North Dakota is a comeback team. I could not be more proud of these fine young athletes and their coaches.

And I look forward to the conclusion of a little bet that Senator DORGAN and I made last Friday with our dear colleagues from Michigan, Senators LEVIN and STABENOW. I look forward to hearing them recite the words of the UND

fight song, loud and clear from the steps of the United States Capitol this week.

While the two final plays in the game put us over the top, everyone knows that at UND, it's teamwork that matters. Every member of this team contributed to the victory. I would ask to have printed in the RECORD the full roster of this championship team, and their first-rate coaching staff. They have made us very proud.

The roster follows:

UNIVERSITY OF NORTH DAKOTA FIGHTING SIOUX TEAM ROSTER

No. 1, Thayne Bosh.
No. 2, Jesse Smith.
No. 3, Dustin Thornburg.
No. 4, Jamel Alkins.
No. 5, Adam Roland.
No. 6, Shad Carney.
No. 7, Jeff Glas.
No. 8, Caleb Johnson.
No. 9, Kelby Klosterman.
No. 11, Cameron Peterka.
No. 11, Jamaal Franklin.
No. 12, John Bowenkamp.
No. 13, Joe Wilson.
No. 14, Evan Nelson.
No. 15, Brian Loe.
No. 16, Josh Ranson.
No. 17, Bret Bentow.
No. 18, Jim Miller.
No. 19, Tom Maus.
No. 20, Ryan Manke.
No. 21, Peyton Ross.
No. 22, Cory Urban.
No. 23, Tony Hermes.
No. 24, Willis Stettelman.
No. 25, Craig Riendeau.
No. 25, Demetrius Charles.
No. 26, Adam Stratton.
No. 27, Josh Copple.
No. 29, Tom Miller.
No. 30, Gregg Olson.
No. 32, Jamaal Griffin.
No. 33, Adam Dehnicke.
No. 33, Danny Gagner.
No. 34, Riza Mahmoud.
No. 35, Matt Nelson.
No. 36, Chris Beatty.
No. 36, Travis O'Neil.
No. 37, Jed Perkerewicz.
No. 37, Matt Hillbrand.
No. 38, Josh Brandsted.
No. 38, Mike O'Neil.
No. 39, Brian Wilhelmi.
No. 40, Digger Anderson.
No. 40, Eric Schmidt.
No. 42, Ross Brennan.
No. 43, Matt Vanderpan.
No. 44, Tyler Dahlen.
No. 45, Chad Mustard.
No. 46, Jason Gravos.
No. 47, David Wisthoff.
No. 48, Josh Kotelnicki.
No. 49, Blaise Larson.
No. 50, Mac Schneider.
No. 52, Andy Hendrickson.
No. 53, Mike Mularoni.
No. 54, Troy Newhouse.
No. 55, Tom Irvin.
No. 56, Josh Christofferson.
No. 57, Brook Maier.
No. 58, Eric Halstenson.
No. 59, Jake Nordick.
No. 60, Ross Walker.
No. 61, Dan Schill.
No. 62, Josh Cranston.
No. 63, Ryan Grant.
No. 64, Brennan Marsh.
No. 65, Stephen Larsen.
No. 66, Mike Gruchalla.
No. 67, Jason Peterson.
No. 68, Matt Knutson.
No. 70, Brian Osterday.

No. 71, Dave Butler.
No. 72, Ben Murphy.
No. 73, Chris Kuper.
No. 74, Mike Crouse.
No. 75, Brian Dokken.
No. 76, Ben Olson.
No. 77, Barry Smith.
No. 78, Matt Buischer.
No. 78, Mike Bryant.
No. 79, Mike Wacek.
No. 80, John Kyvig.
No. 81, Dan Graf.
No. 82, Justin Klabo.
No. 84, Jesse Ahlers.
No. 85, Erik Ahlstrom.

UND FIGHTING SIOUX COACHES AND 2001 STAFF

Dale Lennon, Head Coach.
Kyle Schweigert, Assistant Head Coach/Defensive Coordinator.
Chris Mussman, Offensive Coordinator.
Tom Dosch, Defensive Line/OLB.
Tim Tibesar, Inside Linebackers.
Curt Sienkiewicz, Running Backs.
Tim Belmore, Wide Receivers.
Cooper Harris, Graduate Assistant.
Greg Lotysz, Graduate Assistant.
Mike Mannausau, Graduate Assistant.
Jon Young, Graduate Assistant.
Steve Westereng, Head Football Athletic Trainer.
Paul Chapman, Director of Strength and Conditioning.
Dan Benson, Director of Media Relations.
Lon Carlson, Football Equipment Manager.
Cindy Klug, Office Secretary.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

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

S. 1786. A bill to expand aviation capacity in the Chicago area.

S. 1789. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1593: A bill to authorize the Administrator of the Environmental Protection Agency to establish a grant program to support research projects on critical infrastructure protection for water supply systems, and for other purposes. (Rept. No. 107-118).

S. 1608: A bill to establish a program to provide grants to drinking water and wastewater facilities to meet immediate security needs. (Rept. No. 107-119).

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

S. 1622: A bill to extend the period of availability of unemployment assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the case of victims of the terrorist attacks of September 11, 2001. (Rept. No. 107-120).

S. 1637: A bill to waive certain limitations in the case of use of the emergency fund authorized by section 125 of title 23, United States Code, to pay the costs of projects in response to the attack on the World Trade Center in New York City that occurred on September 11, 2001. (Rept. No. 107-121).

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:

S. 1791. A bill to amend the Internal Revenue Code of 1986 to provide for economic security and recovery, and for other purposes; to the Committee on Finance.

By Mr. BAYH (for himself, Mr. McCAIN, Mr. CLELAND, and Mr. LIEBERMAN):

S. 1792. A bill to further facilitate service for the United States, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself, Mr. REED, Mr. GREGG, Mr. DEWINE, Mr. CONRAD, Mr. WARNER, Mr. SESSIONS, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. HUTCHINSON, Mr. ENZI, Mr. WELLSTONE, and Mr. DAYTON):

S. 1793. A bill to provide the Secretary of Education with specific waiver authority to respond to conditions in the national emergency declared by the President on September 14, 2001; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CLELAND:

S. 1794. A bill to amend title 49, United States Code, to prohibit the unauthorized circumvention of airport security systems and procedures; 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. HAGEL, and Mrs. BOXER):

S. Con. Res. 90. A concurrent resolution expressing the sense of the Congress regarding the efforts of people of the United States of Korean ancestry to reunite with their family members in North Korea; to the Committee on Foreign Relations.

By Mr. HELMS (for himself, Mr. LUGAR, Mr. KERRY, and Mr. HAGEL):

S. Con. Res. 91. A concurrent resolution expressing deep gratitude to the government and the people of the Philippines for their sympathy and support since September 11, 2001, and for other purposes; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1209

At the request of Mr. BINGAMAN, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Washington (Mrs. MURRAY) were added

as cosponsors of S. 1209, a bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes.

S. 1262

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1262, a bill to make improvements in mathematics and science education, and for other purposes.

S. 1456

At the request of Mr. BENNETT, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1456, a bill to facilitate the security of the critical infrastructure of the United States, to encourage the secure disclosure and protected exchange of critical infrastructure information, to enhance the analysis, prevention, and detection of attacks on critical infrastructure, to enhance the recovery from such attacks, and for other purposes.

S. 1499

At the request of Mr. KERRY, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from Utah (Mr. HATCH) 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. 1619

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1619, a bill to amend title XVIII of the Social Security Act to provide for coverage of substitute adult day care services under the medicare program.

S. 1663

At the request of Mrs. CLINTON, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1663, a bill to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed.

S. 1707

At the request of Mr. JEFFORDS, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Maryland (Mr. SARBANES) 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. 1717

At the request of Mr. FRIST, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cospon-

sor of S. 1717, a bill to provide for a payroll tax holiday.

S. 1745

At the request of Mrs. LINCOLN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1745, a bill to delay until at least January 1, 2003, any changes in medicaid regulations that modify the medicaid upper payment limit for non-State Government-owned or operated hospitals.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 1791. A bill to amend the Internal Revenue Code of 1986 to provide for economic security and recovery, and for other purposes; to the Committee on Finance.

Mr. DOMENICI. Madam President, the economy remains weak and the unemployment rate released last Friday for the month of November topped 5.7 percent. This is the highest level in over 6 years, and many economists expect it to exceed 6 percent in the coming months.

Recently the economy officially was put in the category of "recession" beginning last March by the National Bureau of Economic Research.

The economy measured by its gross national product, declined at a 1.1 percent rate in the third quarter of this year.

Corporate profits are down nearly 22 percent compared to last year, and consumer confidence is down 51 points in three months, the steepest drop since 1980.

While there are a couple of "not so bad" economic factors out there, low consumer prices, low interest rates, low oil prices for consumers, and record high auto sales, these all could be temporary phenomena related to a broader weak economy and low consumer demand.

For all these reasons, I believe Congress needs to act on a stimulus bill before it adjourns this first session of the 107th congress.

The American public deserves action on a stimulus bill and we need to act quickly. Too much time has passed and we cannot let politics as usual keep us from putting together a bill that can achieve wide bipartisan support quickly.

I have come to the conclusion that we should adopt a bill that is not controversial, politically speaking, and that can actually do some good for the American economy in a short time period.

I therefore am introducing today a bill that does three very simple things that I think we can all agree on:

First, a one-month payroll tax holiday, that will provide relief from the regressive payroll tax. It would eliminate the need for both employers and employees to pay the current 12.4 percent tax.

I have found wide bipartisan support for this proposal. Unfortunately it is

probably too late now to implement it successfully in the month of December but I still believe it can be enacted in time to provide real relief in the first month of 2002.

This proposal will provide nearly \$40 billion in immediate, temporary tax relief to working Americans and businesses, and to State and local governments that must pay the tax also.

Second, expand the safety net for working Americans by extending unemployment insurance for 13 weeks, and providing nearly 300,000 part time workers eligibility for unemployment insurance benefits and adjusting the "base period" for determining eligibility. These latter two changes were recommended by a blue ribbon commission charged with making recommendations for reforming the UI program.

In total the changes I am recommending would increase the cost of the program by about \$9 billion this year, and only \$12 billion over the next decade.

Finally, the bill I am proposing today would provide for an enhancement of expensing for capital purchases, a 20 percent bonus for depreciation with a 3 year sunset. The tax benefit to businesses for new capital purchases would be nearly \$26 billion this year, and \$12 billion over the next decade.

In total, these three provisions, packaged together to provide quick and affordable economic stimulus, would not exceed \$73 billion this year and less than \$62 billion over the next decade.

Like so many on my side I wish we could do more in the way of speeding up the marginal tax rate cuts we enacted last spring, but it is clear that that can not pass the political test of other side.

Some on the other side want to have a major expansion of health care benefits in any stimulus package, but it should be clear now that that will not pass the political test on this side of the aisle.

For these reasons, I believe with time running short, this is the best possible package that we can put together that will win wide bipartisan support in the shortest amount of time and I encourage those directly involved in the, what appears to be faltering negotiations on a stimulus bill, to look at this package as a solution to acting quickly.

I submit the bill to the desk for referral and I ask unanimous consent that the bill and a table outlining the proposal be printed in the RECORD.

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

S. 1791

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

SECTION 1. SHORT TITLE; ETC.

(a) **SHORT TITLE.**—This Act may be cited as the "Economic Security and Recovery Act of 2001".

(b) **REFERENCES TO INTERNAL REVENUE CODE OF 1986.**—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.—

Sec. 1. Short title; etc.

TITLE I—BUSINESS PROVISIONS

Sec. 101. Special depreciation allowance for certain property acquired after September 10, 2001, and before September 11, 2004.

TITLE II—PAYROLL TAX HOLIDAY

Sec. 201. Payroll tax holiday.

TITLE III—TEMPORARY EMERGENCY UNEMPLOYMENT COMPENSATION

Sec. 301. Federal-State agreements.

Sec. 302. Temporary emergency unemployment compensation account.

Sec. 303. Payments to States having agreements for the payment of temporary emergency unemployment compensation.

Sec. 304. Financing provisions.

Sec. 305. Fraud and overpayments.

Sec. 306. Definitions.

Sec. 307. Applicability.

TITLE I—BUSINESS PROVISIONS

SEC. 101. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2004.

(a) **IN GENERAL.**—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

"(k) **SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2004.**—

"(1) **ADDITIONAL ALLOWANCE.**—In the case of any qualified property—

"(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 20 percent of the adjusted basis of the qualified property, and

"(B) the adjusted basis of the qualified property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

"(2) **QUALIFIED PROPERTY.**—For purposes of this subsection—

"(A) **IN GENERAL.**—The term 'qualified property' means property—

"(i) (I) to which this section applies which has a recovery period of 20 years or less or which is water utility property, or

"(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection,

"(ii) the original use of which commences with the taxpayer after September 10, 2001,

"(iii) which is—

"(I) acquired by the taxpayer after September 10, 2001, and before September 11, 2004, but only if no written binding contract for the acquisition was in effect before September 11, 2001, or

"(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after September 10, 2001, and before September 11, 2004, and

"(iv) which is placed in service by the taxpayer before January 1, 2005.

"(B) **EXCEPTIONS.**—

"(i) **ALTERNATIVE DEPRECIATION PROPERTY.**—The term 'qualified property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined—

"(I) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and

"(II) after application of section 280F(b) (relating to listed property with limited business use).

"(ii) **ELECTION OUT.**—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

"(iii) **REPAIRED OR RECONSTRUCTED PROPERTY.**—Except as otherwise provided in regulations, the term 'qualified property' shall not include any repaired or reconstructed property.

"(iv) **QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.**—The term 'qualified property' shall not include any qualified leasehold improvement property (as defined in section 168(e)(6)).

"(C) SPECIAL RULES RELATING TO ORIGINAL USE.—

"(i) **SELF-CONSTRUCTED PROPERTY.**—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iii) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after September 10, 2001, and before September 11, 2004.

"(ii) **SALE-LEASEBACKS.**—For purposes of subparagraph (A)(ii), if property—

"(I) is originally placed in service after September 10, 2001, by a person, and

"(II) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in subclause (II).

"(D) **COORDINATION WITH SECTION 280F.**—For purposes of section 280F—

"(i) **AUTOMOBILES.**—In the case of a passenger automobile (as defined in section 280F(d)(5)) which is qualified property, the Secretary shall increase the limitation under section 280F(a)(1)(A)(i) by \$4,600.

"(ii) **LISTED PROPERTY.**—The deduction allowable under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2)."

(b) **ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.**—

(1) **IN GENERAL.**—Section 56(a)(1)(A) (relating to depreciation adjustment for alternative minimum tax) is amended by adding at the end the following new clause:

"(iii) **ADDITIONAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2004.**—The deduction under section 168(k) shall be allowed."

(2) **CONFORMING AMENDMENT.**—Clause (i) of section 56(a)(1)(A) is amended by striking "clause (ii)" both places it appears and inserting "clauses (ii) and (iii)".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service after September 10, 2001, in taxable years ending after such date.

TITLE II—PAYROLL TAX HOLIDAY

SEC. 201. PAYROLL TAX HOLIDAY.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the rate of tax with respect to remuneration received during the payroll tax holiday period shall be zero under sections 1401(a), 3101(a), and 3111(a) of the Internal Revenue Code of 1986 and for purposes of determining the applicable percentage under section 3201(a), 3211(a)(1), and 3221(a) of such Code.

(b) **PAYROLL TAX HOLIDAY PERIOD.**—The term "payroll tax holiday period" means the period beginning after November 30, 2001, and ending before January 1, 2002.

(c) **EMPLOYER NOTIFICATION.**—The Secretary of the Treasury shall notify employers of the payroll tax holiday period in any manner the Secretary deems appropriate.

(d) **TRANSFER OF FUNDS.**—The Secretary of the Treasury shall transfer from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of the trust funds under section 201 of the Social Security Act and the Social Security Equivalent Benefit Account under section 15A of the Railroad Retirement Act of 1974 (45 U.S.C. 231n-1) are not reduced as a result of the application of subsection (a).

(e) **DETERMINATION OF BENEFITS.**—In making any determination of benefits under title II of the Social Security Act, the Commissioner of Social Security shall disregard the effect of the payroll tax holiday period on any individual's earnings record.

TITLE III—TEMPORARY EMERGENCY UNEMPLOYMENT BENEFITS

SEC. 301. FEDERAL-STATE AGREEMENTS.

(a) **IN GENERAL.**—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the "Secretary"). Any State which is a party to an agreement under this title may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—

(1) **IN GENERAL.**—Any agreement under subsection (a) shall provide that the State agency of the State will make—

(A) payments of regular compensation to individuals in amounts and to the extent that such payments would be determined if the State law were applied with the modifications described in paragraph (2); and

(B) payments of temporary emergency unemployment compensation to individuals who—

(i) have exhausted all rights to regular compensation under the State law;

(ii) do not, with respect to a week, have any rights to compensation (excluding extended compensation) under the State law of any other State (whether one that has entered into an agreement under this title or otherwise) nor compensation under any other Federal law (other than under the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note)), and are not paid or entitled to be paid any additional compensation under any Federal or State law; and

(iii) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(2) **MODIFICATIONS DESCRIBED.**—The modifications described in this paragraph are as follows:

(A) **ALTERNATIVE BASE PERIOD.**—An individual shall be eligible for regular compensation if the individual would be so eligible, determined by applying—

(i) the base period that would otherwise apply under the State law if this title had not been enacted; or

(ii) a base period ending at the close of the calendar quarter most recently completed before the date of the individual's application for benefits, provided that wage data for that quarter has been reported to the State; whichever results in the greater amount.

(B) **PART-TIME EMPLOYMENT.**—An individual shall not be denied regular compensation under the State law's provisions relating to availability for work, active search for work, or refusal to accept work, solely by virtue of the fact that such individual is seeking, or is available for, only part-time (and not full-time) work, if—

(i) the individual's employment on which eligibility for the regular compensation is based was part-time employment; or

(ii) the individual can show good cause for seeking, or being available for, only part-time (and not full-time) work.

(c) COORDINATION RULES.—

(1) **REGULAR COMPENSATION PAYABLE UNDER A FEDERAL LAW.**—The modifications described in subsection (b)(2) shall also apply in determining the amount of benefits payable under any Federal law to the extent that those benefits are determined by reference to regular compensation payable under the State law of the State involved.

(2) **TEUC TO SERVE AS SECOND-TIER BENEFITS.**—Notwithstanding any other provision of law, extended benefits shall not be payable to any individual for any week for which temporary emergency unemployment compensation is payable to such individual.

(d) **EXHAUSTION OF BENEFITS.**—For purposes of subsection (b)(1)(B)(i), an individual shall be considered to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(e) **WEEKLY BENEFIT AMOUNT.**—For purposes of any agreement under this title—

(1) the amount of temporary emergency unemployment compensation which shall be payable to an individual for any week of total unemployment shall be equal to the amount of regular compensation (including dependents' allowances) payable to such individual under the State law for a week for total unemployment during such individual's benefit year;

(2) the terms and conditions of the State law which apply to claims for extended compensation and to the payment thereof shall apply to claims for temporary emergency unemployment compensation and the payment thereof, except where inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of temporary emergency unemployment compensation payable to any individual for whom a temporary emergency unemployment compensation account is established under section 302 shall not exceed the amount established in such account for such individual.

(e) **ELECTION BY STATES.**—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State is authorized and may elect to trigger off an extended compensation period in order to provide payment of temporary emergency unemployment compensation to individuals who have exhausted their rights to regular compensation under State law.

SEC. 302. TEMPORARY EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) **IN GENERAL.**—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for temporary emergency unemployment compensation, a temporary emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) **IN GENERAL.**—The amount established in an account under subsection (a) shall be equal to 13 times the individual's average weekly benefit amount for the benefit year.

(2) **REDUCTION FOR EXTENDED BENEFITS.**—The amount in an account under paragraph (1) shall be reduced (but not below zero) by

the aggregate amount of extended compensation (if any) received by such individual relating to the same benefit year under the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

(3) **WEEKLY BENEFIT AMOUNT.**—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

SEC. 303. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF TEMPORARY EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) **GENERAL RULE.**—There shall be paid to each State which has entered into an agreement under this title an amount equal to—

(1) 100 percent of any regular compensation made payable to individuals by such State by virtue of the modifications which are described in section 301(b)(2) and deemed to be in effect with respect to such State pursuant to section 301(b)(1)(A);

(2) 100 percent of any regular compensation—

(A) which is paid to individuals by such State by reason of the fact that its State law contains provisions comparable to the modifications described in subparagraphs (A) and (B) of section 301(b)(2); but only

(B) to the extent that those amounts would, if such amounts were instead payable by virtue of the State law's being deemed to be so modified pursuant to section 301(b)(1)(A), have been reimbursable under paragraph (1); and

(3) 100 percent of the temporary emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) **TREATMENT OF REIMBURSABLE COMPENSATION.**—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) **DETERMINATION OF AMOUNT.**—Sums under subsection (a) payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

SEC. 304. FINANCING PROVISIONS.

(a) **IN GENERAL.**—There are appropriated such funds as are necessary to make payments to States having agreements entered into under this title.

(b) **CERTIFICATION.**—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the

account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

SEC. 305. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of temporary emergency unemployment compensation under this title to which he was not entitled, such individual—

(1) shall be ineligible for further temporary emergency unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of temporary emergency unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any temporary emergency unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the temporary emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to

review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 306. DEFINITIONS.

In this title:

(1) IN GENERAL.—The terms “compensation”, “regular compensation”, “extended compensation”, “additional compensation”, “benefit year”, “base period”, “State”, “State agency”, “State law”, and “week” have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note), subject to paragraph (2).

(2) STATE LAW AND REGULAR COMPENSATION.—In the case of a State entering into an agreement under this title—

(A) “State law” shall be considered to refer to the State law of such State, applied in conformance with the modifications described in section 301(b)(2); and

(B) “regular compensation” shall be considered to refer to such compensation, determined under its State law (applied in the manner described in subparagraph (A)); except as otherwise provided or where the context clearly indicates otherwise.

SEC. 307. APPLICABILITY.

(a) IN GENERAL.—An agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning no earlier than the first day of the first week after the date on which such agreement is entered into; and

(2) ending before the date that is 12 months after the date of enactment of this Act.

(b) SPECIFIC RULES.—

(1) IN GENERAL.—Under such an agreement, the following rules shall apply:

(A) ALTERNATIVE BASE PERIODS.—The modification described in section 301(b)(2)(A) (relating to alternative base periods) shall not apply except in the case of initial claims filed on or after the first day of the week that includes September 11, 2001.

(B) PART-TIME EMPLOYMENT.—The modifications described in section 301(b)(2)(B) (relating to part-time employment) shall apply to weeks of unemployment described in subsection (a), regardless of the date on which an individual's initial claim for benefits is filed.

(C) ELIGIBILITY FOR TEUC.—The payments described in section 301(b)(1)(B) (relating to temporary emergency unemployment compensation) shall not apply except in the case of individuals exhausting their rights to regular compensation (as described in clause (i) of such section) on or after the first day of the week that includes September 11, 2001.

(2) REAPPLICATION PROCESS.—

(A) ALTERNATIVE BASE PERIODS.—In the case of an individual who filed an initial claim for regular compensation on or after the first day of the week that includes September 11, 2001, and before the date that the State entered into an agreement under subsection (a)(1) that was denied as a result of the application of the base period that applied under the State law prior to the date on which the State entered into the such agreement, such individual—

(i) may refile a claim for regular compensation based on the modification described in section 301(b)(2)(A) (relating to alternative base periods) on or after the date on which the State enters into such agreement and before the date on which such agreement terminates; and

(ii) if eligible, shall be entitled to such compensation only for weeks of unemployment described in subsection (a) beginning on or after the date on which the individual files such claim.

(B) PART-TIME EMPLOYMENT.—In the case of an individual who before the date that the

State entered into an agreement under subsection (a)(1) was denied regular compensation under the State law's provisions relating to availability for work, active search for work, or refusal to accept work, solely by virtue of the fact that such individual is seeking, or available for, only part-time (and not full-time) work, such individual—

(i) may refile a claim for regular compensation based on the modification described in section 301(b)(2)(B) (relating to part-time employment) on or after the date on which the State enters into the agreement under subsection (a)(1) and before the date on which such agreement terminates; and

(ii) if eligible, shall be entitled to such compensation only for weeks of unemployment described in subsection (a) beginning on or after the date on which the individual files such claim.

(3) NO RETROACTIVE PAYMENTS FOR WEEKS PRIOR TO AGREEMENT.—No amounts shall be payable to an individual under an agreement entered into under this title for any week of unemployment prior to the week beginning after the date on which such agreement is entered into.

DOMENICI STIMULUS BILL

	Cost in billions	
	2002	2002–11
Relief for Low and Middle-Income Americans		
Payroll Tax Holiday: Offer workers and employers a one-month holiday from federal payroll taxes while holding federal trust funds harmless.	\$38	\$38
Expand the Safety Net for Working Americans		
Extended and Expanded Unemployment Benefits: Provide additional 13 weeks of unemployment benefits to workers who exhaust their standard benefits after 9/11, expand eligibility to part-time workers, apply alternative base period.	9	12
Stimulus for Encouraging Investment—Bonus		
Expensing: Enhance expensing of capital expenditures with 20% bonus depreciation (3-year sunset).	26	12
Total Stimulus and Assistance	73	62

By Mr. BAYH (for himself, Mr. MCCAIN, Mr. CLELAND, and Mr. LIEBERMAN):

S. 1792. A bill to further facilitate service for the United States, and for other purposes; to the Committee on Health, Labor, and Pensions.

Mr. MCCAIN. Madam President, today, Senator BAYH and I are introducing legislation, the Call to Service Act of 2001, that will expand opportunities for Americans to serve our nation. Congressmen FORD of Tennessee and Congressman OSBORNE of Nebraska are offering companion legislation in the House, and I want to thank them for their strong, bipartisan leadership in the face of America's new challenge at home and overseas.

All of us welcome the support of America's Promise, Teach for America, AmeriCorps Alums, City Year, the National Association of Service and Conservation Corps, the Naval Reserve Association, the Reserve Officers Association, the American Legion, and many other groups dedicated to service to our nation.

Our legislation is not a Democratic or Republican initiative. Duty, honor, and country are values that transcend party or ideology. This is a uniquely American moment in which a crisis becomes an opportunity to harness our

unity and channel is into what historian Stephen Ambrose describes as "common-patriotism."

In the aftermath of September 11, the American people have demonstrated, through their courage and generosity, that they are prepared to meet the challenge that confronts our Nation. Yet, our fellow citizens ask how they can do more for their country. That is why we should act to provide more opportunities for public service.

Forty years ago, at the height of the cold war, President John F. Kennedy issued his famous call for service, "Ask not what your country can do for you, but rather what you can do for your country." His clarion challenge inspired millions of Americans to enter into public service. President Kennedy created both the civilian Peace Corps and the Green Berets as avenues to serve.

Now, we are confronted with a new challenge.

In this battle against terror, there are both foreign and domestic fronts. The heroic sacrifices of the New York City firefighters and police have truly moved the public. Thousands of men and women in uniform are now in harms way to defend our liberty and freedom.

The American people are also ready to serve at home. Walk down any street and you will see a blizzard of American flags. Over a billion dollars have been contributed to the victims of the terrorist attacks. We should seize this moment and issue a new call to service. There will be many tasks ahead, both new and old. On the home front, there are new security and civil defense needs. The military will also require new recruits to confront the challenges abroad and within our borders. And, of course, there are many other ongoing service opportunities ranging from combating illiteracy to helping children and our elderly.

A major component of our legislation would be to expand AmeriCorps. Since it was created, more than 200,000 Americans have served one-to-two year stints in AmeriCorps, tutoring children, building low-income housing or helping flood-ravaged communities. AmeriCorps achievements are impressive: thousands of homes constructed; hundreds of thousands of seniors assisted to live independently in their own homes; millions of children taught, tutored, and mentored. The program receives broad bipartisan support, with 49 of the Nation's 50 Governors signing a letter last year urging Congress to support AmeriCorps.

But for all its concrete achievements, AmeriCorps has a fundamental flaw: In its seven years of existence it has barely stirred the Nation's imagination. Two out of every three Americans say that they have never heard of the program. We seek not only to expand the program, but also make certain that it has national objectives. We also charge the program with the task of assembling a plan to assist the new needs in the area of Homeland Defense.

We must also ask our Nation's colleges to step up to the plate and more aggressively promote service. Currently, only a small fraction of college work-study funds are devoted to community service, far less than what Congress originally intended when it passed the Higher Education Act of 1965. Our legislation requires universities to being truly complying with the intent of the act to promote student involvement in community activities.

We should also be concerned by the growing gap between our nation's military and civilian cultures. While the volunteer military has been successful, fewer Americans know first-hand the sacrifices and contributions of their fellow citizens who serve in uniform.

There are also many civil defense needs that must be met to defend our Nation against terrorists attacks and having a shorter-term enlistment option will help provide the manpower to defend the security of our Nation. An October 15 article in the Los Angeles Times described "the sheer size of the task of protecting targets" within our borders. And a recent Newsweek cover story, "Protecting America: What Must Be Done," cited a long list of potential terrorist targets, including nuclear power plants, seaports, dams, chemical plants, airports, water supplies, and government buildings across the United States.

To bolster our preparedness against terrorist attack, our legislation allows that Defense Department to create a new short-term enlistment to encouraging more young Americans to serve in the military. This new 18-18-18-enlistment option would provide an \$18,000 post-service award for 18-months of active duty and 18 months of reserve duty.

Our legislation also significantly improves the benefits of the Montgomery GI bill by doubling the annual education benefit from \$7,800 to \$15,600 and by encouraging service-members to participate in the program through the elimination of the current 10-year requirement from use of the GI Bill educational benefits.

Our legislation also ensures maximum accessibility to colleges and high schools by military service recruiters. We close loopholes in current recruiting access statutes, especially where colleges may be allowing access but not providing, in the spirit of the law, full access to recruiters in terms of both information they require and reasonable physical presence.

Finally, our legislation establishes a 9-member Commission on Military Recruitment and National Service to be appointed by the Secretary of Defense and Secretary of State to examine such things as ways to shrink the civilian-military gap and develop ways to bring in a larger, broader pool of recruits.

As a country, we should strive to make national service a rite of passage for young Americans. Not only will our Nation benefit, but those whose serve

will find their lives transformed. They will be able to glimpse the glory of serving a cause greater than their self-interest. They will come to know both the obligations and rewards of active citizenship. Over the past few years, we have celebrated the achievements of the Greatest Generation. Now a new generation is confronted with a challenge to defend our great nation. Let us seize the moment and provide Americans with the opportunity to serve our great nation.

Mr. BAYH. Madam President, I rise today with my colleague Senator JOHN MCCAIN to introduce the Call to Service Act of 2001. I want to express my appreciation to Senator McCain; without his leadership we would not be here today. I also want to extend my thanks to Congressman HAROLD FORD and Congressman TOM OSBORNE for their strong leadership in the House on this issue.

In addition, former President Clinton deserves our thanks and gratitude. He championed public service and AmeriCorps during his tenure. We build upon his legacy today and acknowledge with pride the important contribution to America's well-being he has made in this area.

We are introducing this legislation at a time of great challenge for our country. But within this challenge lie the seeds of opportunity if we can seize the moment, the seeds of opportunity for civic renewal across the United States of America.

Everywhere I have gone since the tragedy of September 11, people of every age are asking, What can I do? How can I help? So to those who are looking for a way to help to put something back, we are here today to say that the Call to Service Act will give you those opportunities.

We expand the AmeriCorps program fully fivefold, increasing the number of volunteers annually, from 50,000 to 250,000, so that every 4 years, 1 million young people will have the opportunity to serve our country. Fifty percent of the new volunteers will be focused on homeland defense to meet the many issues that have come to light and need attention since the events of September 11. With this dramatic expansion, we include strong accountability measures to ensure measurable, positive outcomes for the communities served by AmeriCorps.

The Call to Service Act significantly expands the serve study initiative. Work-study in our colleges was originally intended to get kids involved in public service and community work, but unfortunately, it has not lived up to that initial promise. The requirement today is that 7 percent of students involved in work-study have to be involved in community service. We expand that more than threefold to 25 percent, to get America's best and brightest giving back to the community. This means that every year, approximately 250,000 students will be contributing to their communities. Expanding the community service portion

of work-study has broad bipartisan support. In May 2000, General Powell sent a letter to the Nation's college presidents to "work toward a goal of dedicating a greater and greater portion of your Federal College Work Study funds each year to community service." I ask unanimous consent that this letter be printed in the RECORD.

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

AMERICA'S PROMISE,
THE ALLIANCE FOR YOUTH,
Alexandria, VA, May 30, 2000.

DEAR FRIEND: President Clinton has written you and I join him in enlisting your support in a very important endeavor—the well being of our Nation's young people.

Three years ago at the Presidents' Summit for America's Future held in Philadelphia, all the living Presidents of the United States and thousands of other national leaders pledged to harness the power of volunteerism in the service of our Nation's most important resource, our youth. The organization I chair, America's Promise, The Alliance for Youth, was born at the 1997 Presidents' Summit, and it continues today mobilizing communities, individuals, organizations, and institutions to make five key promises to every youngster: an ongoing relationship with a caring adult—parent, mentor, tutor or coach; safe places and structured activities during non-school hours; a healthy start; a marketable skill through effective education; and an opportunity to give back through community service.

Colleges and universities can play a crucial role in this movement. Actually, many have already enlisted in our crusade by becoming Colleges and Universities of Promise. With that pledge they make a commitment to keep the Five Promises to young people in their communities.

One very substantial way you can contribute is by using the Federal College Work Study Program to enable hundreds of thousands of college students to serve in the communities where they study. By being tutors or mentors, or by working with local schools and youth-service organizations, college students can make a tangible difference in the lives of young children. I can attest that there are thousands more nonprofit organizations and community groups serving young children and youth that would benefit profoundly from the energy and idealism of your students.

In that spirit, President Clinton is asking you to commit a greater share of your work study assignments to community service. I second the President's request and encourage you to work toward a goal of dedicating a greater and greater portion of your Federal College Work Study funds each year to community service. Institutions of higher learning have always been leaders in the life of our nation. I hope you will seize this opportunity to demonstrate that leadership again.

Please join in this effort. Help us to keep America's Promise. Thank you and best wishes.

Sincerely,
Gen. COLIN L. POWELL, USA (Ret),
Chairman.

By Mr. CLELAND:

S. 1794. A bill to amend title 49, United States Code, to prohibit the unauthorized circumvention of airport security systems and procedures; to the Committee on Commerce, Science, and Transportation.

Mr. CLELAND. Madam President, I rise today to introduce legislation that

will make it a Federal criminal offense to intentionally circumvent an airport security checkpoint. This morning I chaired the first Senate Commerce Committee hearing on aviation security since the landmark aviation security bill was signed into law earlier this fall. That historic piece of legislation was enacted as a response to the events of September 11, when terrorists commandeered U.S. commercial jets filled with passengers and used them as weapons of mass destruction.

Those terrorist attacks have precipitated a sea-change in attitude on how we view our homeland security. There is no such thing as "business as usual," especially at our airports across this country. Immediately after the events of 9-11, the Federal Aviation Administration and U.S. Department of Transportation took steps to tighten aviation security across the country. U.S. airlines and airports put in place additional security safeguards. And Congress passed the most sweeping aviation security bill in history.

Under the new law, every commercial airport will now have a Federal security manager and the manager will conduct an immediate assessment of safety procedures at the busiest airports in the country. We will have strict and uniform national standards for the hiring and training and job performance of the men and women who are on the front lines of ensuring that our airports and airplanes are not only the safest in the world, but are also the most secure. Because of this legislation, every airport screener must now be a U.S. citizen. He or she must pass a criminal background check, and they must perform well in their job. If they don't, and this includes federal screeners, they can and will be fired immediately. Cockpit doors will be fortified, the number of air marshals on airplanes will be significantly increased, and international flights must provide the U.S. Customs Service with passenger lists before they can land in this country.

Hartsfield Atlanta International Airport, the world's busiest airport, Delta, with its world headquarters in Atlanta, and AirTran are key not just to Georgia's economy, but to our national aviation system as well. At the Commerce Committee hearing this morning, Spokespersons from each of these Georgia giants, told us about the security measures that have been put in place since the September 11 hijackings and what further steps they plan to take in light of the requirements of the new aviation security law.

At the hearing, Hartsfield's General Manager, Mr. Benjamin DeCosta, addressed the incident of November 16 when an individual breached security at the Atlanta airport. The security breach triggered the total evacuation of Hartsfield and a temporary halt of incoming and outgoing air traffic. That action caused a ripple effect of delays and flight cancellations. I might add that I have firsthand knowledge of

those delays, since I spent some "quality time" on the tarmac in Atlanta that day. But I want to stress that despite those delays, the system worked. Hartsfield correctly followed the FAA directive, put in place after September 11, that required airport lock-down until airport security could be assured.

However, the November incident revealed a glaring loophole in the system, even after enactment of the new airline security legislation. Currently, an intentional security violation aboard an aircraft is a Federal crime, but a willful breach of an airport security checkpoint is punishable only by local criminal penalties and federal civil penalties. Just as we have at last stepped up to the plate to assure greater uniformity and greater accountability through federalizing the airport security workforce, I believe it is the responsibility of Congress to address this shortcoming in our federal laws. Accordingly, I am introducing legislation, the Airport Checkpoint Enhancement, or ACE, Act, to make willful violations of airport security checkpoints a federal crime. We should send a message loud and clear that airport business is serious business, that if you come to a U.S. airport for mischief or for folly, you will pay the consequences.

My legislation addresses the all-important issue of aviation security which, as we have recently learned in the most painful way possible, is a matter of national security. Specifically, the ACE Act will amend the recently-passed Aviation and Transportation Security Act to provide a federal criminal penalty for individuals who intentionally circumvent or breach an airport security checkpoint. It was amazing to me to learn that in Georgia, an individual who willfully violates the secure area of an airport is only subject to a misdemeanor which means a maximum penalty involving a civil fine up to \$1,100 and a year in jail. My legislation will mean that violators could face up to 10 years in prison. This legislation is supported by Atlanta's Hartsfield International Airport, Delta Airlines, the Air Carrier Association of America, and the Office of the Solicitor General, Clayton County, GA. We have only just begun to improve airport security and therefore, I look forward to continuing this discussion with airport officials and law enforcement officers across the country on how we can best protect passengers, airport workers, and air travel in the future.

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. 1794

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 "Airport Checkpoint Enhancement Act".

SEC. 2. PROHIBITION ON UNAUTHORIZED CIRCUMVENTION OF AIRPORT SECURITY SYSTEMS AND PROCEDURES.

(a) PROHIBITION.—Section 46503 of title 49, United States Code, as added by section 114 of the Aviation and Transportation Security Act (Public Law 107-71), is amended—

(1) by inserting “(a) INTERFERENCE WITH SECURITY SCREENING PERSONNEL.—” before “An individual”; and

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

“(b) UNAUTHORIZED CIRCUMVENTION OF SECURITY SYSTEMS AND PROCEDURES.—An individual in an area within a commercial service airport in the United States who intentionally circumvents, in an unauthorized manner, a security system or procedure in the airport shall be fined under title 18, imprisoned for not more than 10 years, or both.”.

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) The section heading of that section is amended to read as follows:

“§ 46503. Interference with security screening personnel; unauthorized circumvention of security systems or procedures”.

(2) The item relating to that section in the table of sections at the beginning of chapter 465 of that title is amended to read as follows:

“46503. Interference with security screening personnel; unauthorized circumvention of security systems or procedures.”.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 90—EXPRESSING THE SENSE OF THE CONGRESS REGARDING THE EFFORTS OF PEOPLE OF THE UNITED STATES OF KOREAN ANCESTRY TO REUNITE WITH THEIR FAMILY MEMBERS IN NORTH KOREA

Mrs. FEINSTEIN (for herself, Mr. HAGEL, and Mrs. BOXER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 90

Whereas on June 25, 1950, North Korea invaded South Korea, thereby initiating the Korean War, leading to the loss of countless lives, and further polarizing a world engulfed by the Cold War;

Whereas in the aftermath of the Korean War, the division of the Koreans at the 38th parallel separated millions of Koreans from their families, tearing at the heart of every mother, father, daughter, and son;

Whereas on June 13 and 14, 2000, in the first summit conference ever held between leaders of North and South Korea, South Korean President Kim Dae Jung met with North Korean leader Kim Jong Il in Pyongyang, North Korea's capital;

Whereas in a historic joint declaration, South Korean President Kim Dae Jung and North Korean leader Kim Jong Il made an important promise to promote economic co-operation and hold reunions of South Korean and North Korean citizens;

Whereas such reunions have been held in North and South Korea since the signing of the joint declaration, reuniting family members who had not seen or heard from each other for more than 50 years;

Whereas 500,000 people of the United States of Korean ancestry bear the pain of being

separated from their families in North Korea;

Whereas the United States values peace in the global community and has long recognized the significance of uniting families torn apart by the tragedy of war; and

Whereas a petition drive is taking place throughout the United States, urging the United States Government to assist in the reunification efforts: Now, therefore, be it

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

(1) Congress and the President should support efforts to reunite people of the United States of Korean ancestry with their families in North Korea; and

(2) such efforts should be made in a timely manner, as 50 years have passed since the separation of these families.

Mrs. FEINSTEIN. Madam President, I rise today along with my colleagues Senator HAGEL and Senator BOXER to submit a concurrent resolution that expresses the sense of Congress that the Congress and the President should support efforts to reunite Americans of Korean ancestry with their families in North Korea.

Following a historic summit in June, 2000 in Pyongyang, North Korea, South Korean President Kim Dae Jung and North Korean leader Kim Jong Il agreed to hold reunions of South Korean and North Korean families separated at the 38th parallel since the start of the Korean war. Since then, three reunions have taken place and more than 3,400 citizens of North and South Korea have been reunited after more than 50 years.

I applaud these reunions and I believe they are an important step towards improving relations between North and South Korea and promoting peace and stability on the Korean Peninsula. Unfortunately, more than 500,000 Americans of Korean ancestry, many of whom reside in my home state of California, who likewise have been separated from loved ones in North Korea for half a century have not been able to participate.

Time is of the essence. Family members in North Korea and the United States are entering the twilight of their lives. Many have died. Many simply do not know what has happened to their loved ones. We now have an opportunity to lend our support to efforts to reunite families who have spent far too long suffering from separation and uncertainty.

The resolution is simple. It states that it is the sense of Congress that the Congress and the President should support efforts to reunite people of the United States of Korean ancestry with their families in North Korea and that those efforts should be made in a timely manner.

The holiday season is a time for family members to come together, share their love and happiness, and look forward to the New Year. During this time, let us make a commitment to help Americans of Korean descent so that they too will soon be able to share in that holiday spirit with their brothers and sisters, mothers and fathers, and grandmothers and grandfathers in North Korea.

I urge my colleagues to support the Resolution.

SENATE CONCURRENT RESOLUTION 91—EXPRESSING DEEP GRATITUDE TO THE GOVERNMENT AND THE PEOPLE OF THE PHILIPPINES FOR THEIR SYMPATHY AND SUPPORT SINCE SEPTEMBER 11, 2001, AND FOR OTHER PURPOSES

Mr. HELMS (for himself, Mr. LUGAR, Mr. KERRY, and Mr. HAGEL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 91

Whereas the United States and the Republic of the Philippines have shared a special relationship of mutual benefit for more than 100 years;

Whereas, since the September 11, 2001, terrorist attacks on the United States, the Philippines has been among the world's most steadfast friends of the United States during a time of grief and turmoil, offering heartfelt sympathy and support;

Whereas, after the United States launched Operation Enduring Freedom in Afghanistan on October 7, 2001, Philippine President Gloria Macapagal-Arroyo immediately announced her government's unwavering support for the operation, calling it “the start of a just offensive”;

Whereas, during the United States operations in Afghanistan, the government of the Philippines has made all of its military installations available to the Armed Forces of the United States for transit, refueling, resupply, and staging operations;

Whereas this assistance provided by the Philippines has proved highly valuable in the prosecution of Operation Enduring Freedom in Afghanistan;

Whereas the Philippines also faces terrorist threats from the Communist Party of the Philippines/New People's Army/National Democratic Front and the radical Islamic Abu Sayaff group, as well as armed secessionist campaigns by the Moro Islamic Liberation Front, and elements of the Moro National Liberation Front;

Whereas the Abu Sayaff group has historical ties to Osama bin Laden and the al-Qaeda network, and has engaged in hundreds of acts of terrorism in the Philippines, including bombings, arson, and kidnappings;

Whereas, in May 2001, Abu Sayaff kidnapped American citizens Martin Burnham, Gracia Burnham and Guillermo Sobero, along with several Filipinos;

Whereas Abu Sayaff has killed Guillermo Sobero and still detains Martin Burnham and Gracia Burnham; and

Whereas, the United States and the Philippines are committed to each other's security in the Mutual Defense Treaty, signed at Washington August 30, 1951 (3 UST 3947): Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) expresses its deepest gratitude to the government and the people of the Philippines for their sympathy and support since September 11, 2001;

(2) expresses its sympathy to the current and recent Filipino victims of terrorism and their families;

(3) affirms the commitments of the United States to the Philippines as expressed in the Mutual Defense Treaty, signed at Washington August 30, 1951 (3 UST 3947);

(4) supports the government of the Philippines in its efforts to prevent and suppress terrorism; and

(5) acknowledges the economic and military needs of the Philippines and pledges to continue to assist in addressing those needs.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2464. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1731, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; which was ordered to lie on the table.

SA 2465. Mr. REID (for Mrs. FEINSTEIN (for himself and Mrs. BOXER)) proposed an amendment to the bill S.Res. 178, congratulating Barry Bonds on his spectacular record-breaking season in 2001 and outstanding career in Major League Baseball.

SA 2466. Mr. GREGG (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 1731, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2464. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1731, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; which was ordered to lie on the table; as follows:

At the end of Title X, Subtitle A, insert the following:

"SEC. 1003. CERTIFICATION AND LABELING OF ORGANIC WILD SEAFOOD.

"(a) EXCLUSIVE AUTHORITY OF SECRETARY OF COMMERCE.—The Secretary of Commerce shall have exclusive authority to provide for the certification and labeling of wild seafood as organic wild seafood.

"(b) RELATIONSHIP TO OTHER LAW.—The certification and labeling of wild seafood as organic wild seafood shall not be subject to the provisions of the Organic Foods Production Act of 1990 (title XXI of Public Law 101-624; 104 Stat. 3925; 7 U.S.C. 6501 et. seq.).

"(c) REGULATIONS.—

"(1) IN GENERAL.—The Secretary of Commerce shall prescribe regulations for the certification and labeling of wild seafood as organic wild seafood.

"(2) CONSIDERATIONS.—In prescribing the regulations, the Secretary—

"(A) may take into consideration, as guidance, to the extent practicable, the provisions of the Organic Foods Production Act of 1990 and the regulations prescribed in the administration of that Act; and

"(B) shall accommodate the nature of the commercial harvesting and processing of wild fish in the United States

"(3) TIME FOR INITIAL IMPLEMENTATION.—The Secretary shall promulgate the initial regulations to carry out this section not later than one year after the date of enactment of this Act."

SA 2465. Mr. REID (for Mrs. FEINSTEIN (for herself and Mrs. BOXER)) pro-

posed an amendment to the bill S. Res. 178, congratulating Barry Bonds on his spectacular record-breaking season in 2001 and outstanding career in Major League Baseball; as follows:

On page 1, line 9, strike "3" and insert "an unprecedented 4".

SA 2466. Mr. GREGG (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 1731, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 54, strike line 1 and all that follows through page 87, line 8, and insert the following:

CHAPTER 2—SUGAR Subchapter A—Sugar Program

SEC. 141. SUGAR PROGRAM.

(a) IN GENERAL.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended—

(1) in subsection (e), by striking paragraph (1) and inserting the following:

"(1) LOANS.—The Secretary shall carry out this section through the use of recourse loans."

(2) in subsection (f), by striking "2003" each place it appears and inserting "2006";

(3) by redesignating subsection (i) as subsection (j);

(4) by inserting after subsection (h) the following:

"(i) PHASED REDUCTION OF LOAN RATE.—For each of the 2003, 2004, and 2005 crops of sugar beets and sugarcane, the Secretary shall lower the loan rate for each succeeding crop in a manner that progressively and uniformly lowers the loan rate for sugar beets and sugarcane to \$0 for the 2006 crop."; and

(5) in subsection (j) (as redesignated), by striking "2002" and inserting "2005".

(b) PROSPECTIVE REPEAL.—Effective beginning with the 2006 crop of sugar beets and sugarcane, section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is repealed.

SEC. 142. MARKETING ALLOTMENTS.

Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is repealed.

SEC. 143. CONFORMING AMENDMENTS.

(a) PRICE SUPPORT FOR NONBASIC AGRICULTURAL COMMODITIES.—Section 201(a) of the Agricultural Act of 1949 (7 U.S.C. 1446(a)) is amended by striking "milk, sugar beets, and sugarcane" and inserting ", and milk".

(b) POWERS OF COMMODITY CREDIT CORPORATION.—Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)) is amended by inserting "(other than sugar beets and sugarcane)" after "agricultural commodities".

SEC. 144. CROPS.

Except as otherwise provided in this subchapter, this subchapter and the amendments made by this subchapter shall apply beginning with the 2003 crop of sugar beets and sugarcane.

Subchapter B—Food Stamp Program

SEC. 147. MAXIMUM EXCESS SHELTER EXPENSE DEDUCTION.

(a) FISCAL YEARS 2002 THROUGH 2004.—

(1) IN GENERAL.—Section 5(e)(7)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)(7)(B)) is amended—

(A) in clause (v), by striking "and" at the end; and

(B) by striking clause (vi) and inserting the following:

"(vi) for fiscal year 2002, \$354, \$566, \$477, \$416, and \$279 per month, respectively;

"(vii) for fiscal year 2003, \$390, \$602, \$513, \$452, and \$315 per month, respectively; and

"(viii) for fiscal year 2004, \$425, \$637, \$548, \$487, and \$350 per month, respectively."

(2) EFFECTIVE DATE.—The amendments made by this subsection take effect on the date of enactment of this Act.

(b) FISCAL YEAR 2005 AND THEREAFTER.—

(1) IN GENERAL.—Section 5(e)(7) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)(7)) is amended by striking subparagraph (B).

(2) EFFECTIVE DATE.—The amendment made by this subsection takes effect on October 1, 2004.

PRIVILEGE OF THE FLOOR

Mr. THOMAS. Mr. President, I ask unanimous consent that Jeff Mow of the Senate Energy Committee be granted floor privileges during this debate.

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

Mr. THOMPSON. On behalf of Senator FITZGERALD, I ask unanimous consent that Jeremy Stump, a fellow from his office, be granted the privilege of the floor during the Senate's consideration of the farm bill.

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT OF 2002

On December 7, 2001, the Senate amended and passed H.R. 3338, as follows:

Resolved, That the bill from the House of Representatives (H.R. 3338) entitled "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS, 2002

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

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$23,446,734,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements),

and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$19,465,964,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$7,335,370,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$20,032,704,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$2,670,197,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,650,523,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131

of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$466,300,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,061,160,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$4,052,695,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,783,744,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$10,794,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, \$22,941,588,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$4,569,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, \$27,038,067,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$2,903,863,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$7,998,000 can be used for emergencies and

extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, \$26,303,436,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$12,864,644,000, of which not to exceed \$25,000,000 may be available for the CINC initiative fund account; and of which not to exceed \$33,500,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,771,246,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,003,690,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$144,023,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$2,023,866,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$3,743,808,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and

other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, \$3,998,361,000.

UNITED STATES COURTS OF APPEALS FOR THE
ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, \$9,096,000, of which not to exceed \$2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$389,800,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, \$257,517,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, \$385,437,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE
(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, \$23,492,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED
DEFENSE SITES
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$230,255,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC
AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code), \$44,700,000, to remain available until September 30, 2003.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, \$357,000,000, to remain available until September 30, 2004: Provided, That of the amounts provided under this heading, \$15,000,000 shall be available only to support the dismantling and disposal of nuclear submarines and submarine reactor components in the Russian Far East.

SUPPORT FOR INTERNATIONAL SPORTING
COMPETITIONS, DEFENSE

For logistical and security support for international sporting competitions (including pay and non-travel related allowances only for members of the Reserve Components of the Armed Forces of the United States called or ordered to active duty in connection with providing such support), \$15,800,000, to remain available until expended.

TITLE III
PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft,

equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,893,891,000, to remain available for obligation until September 30, 2004.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,774,154,000, to remain available for obligation until September 30, 2004.

PROCUREMENT OF WEAPONS AND TRACKED
COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,174,546,000, to remain available for obligation until September 30, 2004.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,171,465,000, to remain available for obligation until September 30, 2004.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of not to exceed 29 passenger motor vehicles for replacement only; and the purchase of 3 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$200,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein,

may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$4,160,186,000, to remain available for obligation until September 30, 2004.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$8,030,043,000, to remain available for obligation until September 30, 2004.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$1,478,075,000, to remain available for obligation until September 30, 2004.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$442,799,000, to remain available for obligation until September 30, 2004.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP), \$138,890,000;
SSGN (AP), \$279,440,000;
NSSN, \$1,608,914,000;
NSSN (AP), \$684,288,000;
CVN Refuelings, \$1,118,124,000;
CVN Refuelings (AP), \$73,707,000;
Submarine Refuelings, \$382,265,000;
Submarine Refuelings (AP), \$77,750,000;
DDG-51 destroyer program, \$2,966,036,000;
Cruiser conversion (AP), \$458,238,000;
LPD-17 (AP), \$155,000,000;

LHD-8, \$267,238,000;
LCAC landing craft air cushion program, \$52,091,000;

Prior year shipbuilding costs, \$725,000,000; and

For craft, outfitting, post delivery, conversions, and first destination transformation transportation, \$307,230,000;

In all: \$9,294,211,000, to remain available for obligation until September 30, 2006: Provided, That additional obligations may be incurred after September 30, 2006, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 152 passenger motor vehicles for replacement only, and the purchase of five vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$200,000 per unit for two units and not to exceed \$115,000 per unit for the remaining three units; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$4,146,338,000, to remain available for obligation until September 30, 2004.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 25 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, \$974,054,000, to remain available for obligation until September 30, 2004.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, lease, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$10,617,332,000, to remain available for obligation until September 30, 2004.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related

equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$3,657,522,000, to remain available for obligation until September 30, 2004.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$873,344,000, to remain available for obligation until September 30, 2004.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 216 passenger motor vehicles for replacement only, and the purchase of three vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$200,000; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$8,144,174,000, to remain available for obligation until September 30, 2004.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 115 passenger motor vehicles for replacement only; the purchase of 10 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$250,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$1,473,795,000, to remain available for obligation until September 30, 2004.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), \$15,000,000 to remain available until expended, of which, \$3,000,000 may be used for a Processible Rigid-Rod Polymeric Material Supplier Initiative under title III

of the Defense Production Act of 1950 (50 U.S.C. App. 2091 et seq.) to develop affordable production methods and a domestic supplier for military and commercial processible rigid-rod materials.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, \$560,505,000, to remain available for obligation until September 30, 2004: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$6,742,123,000, to remain available for obligation until September 30, 2003.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$10,742,710,000, to remain available for obligation until September 30, 2003.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$13,859,401,000, to remain available for obligation until September 30, 2003.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, \$14,445,589,000, to remain available for obligation until September 30, 2003.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, \$216,855,000, to remain available for obligation until September 30, 2003.

TITLE V

REVOLVING AND MANAGEMENT FUNDS DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds; \$1,826,986,000: Provided, That during fiscal year 2002, funds in the Defense Working Capital Funds may be used for the purchase of not to exceed 330 passenger carrying motor vehicles for replacement only for the Defense Security Service.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established

by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), \$407,408,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, \$18,376,404,000, of which \$17,656,185,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2003; of which \$267,915,000, to remain available for obligation until September 30, 2004, shall be for Procurement; of which \$452,304,000, to remain available for obligation until September 30, 2003, shall be for Research, development, test and evaluation.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,104,557,000, of which \$739,020,000 shall be for Operation and maintenance to remain available until September 30, 2003, \$164,158,000 shall be for Procurement to remain available until September 30, 2004, and \$201,379,000 shall be for Research, development, test and evaluation to remain available until September 30, 2003.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, \$865,981,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$152,021,000, of which \$150,221,000 shall be for Operation and maintenance, of which not to exceed \$700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which \$1,800,000 to remain available until September 30, 2004, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$212,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, \$144,776,000, of which \$28,003,000 for the Advanced Research and Development Committee shall remain available until September 30, 2003: Provided, That of the funds appropriated under this heading, \$27,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, \$1,500,000 for Procurement shall remain available until September 30, 2004, and \$1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2003: Provided further, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities to conduct document exploitation of materials collected in Federal, State, and local law enforcement activity.

PAYMENT TO KAHOLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law, \$75,000,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102-183, \$8,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS—DEPARTMENT OF DEFENSE

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees,

whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$1,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to March 31, 2002.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

C-17; and

FA-18E and F engine.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to the Congress on September 30 of each year: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2002, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2003 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2002 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2003.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. Notwithstanding any other provisions of law, none of the funds made available by

this Act shall be used by the Department of Defense to exceed, outside the 50 United States, its territories, and the District of Columbia, 125,000 civilian workyears: Provided, That workyears shall be applied as defined in the Federal Personnel Manual: Provided further, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this subsection applies only to active components of the Army.

SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That this section and subsections (a), (b), and (c) of 10 U.S.C. 2461 shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent ownership by an Indian tribe, as defined in section 450(b) of title 25, United States Code, or a Native Hawaiian organization, as defined in section 637(a)(15) of title 15, United States Code.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United

States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: Provided, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Funds available in this Act and hereafter may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8019. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: Provided, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: Provided further, That the Department of Defense's budget submission for fiscal year 2002 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: Provided further, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: Provided further, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8020. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

SEC. 8021. No more than \$500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or

function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8022. In addition to the funds provided elsewhere in this Act, \$8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a subcontractor at any tier shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

SEC. 8023. During the current fiscal year and hereafter, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5, United States Code, or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code, or the National Guard, as described in section 101 of title 32, United States Code;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under sections 331, 332, 333, or 12406 of title 10, United States Code, or other provision of law, as applicable; or

(B) full-time military service for his or her State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, United States Code, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, United States Code, and such leave shall be considered leave under section 6323(b) of title 5, United States Code.

SEC. 8024. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 48 months after initiation of such study for a multi-function activity.

SEC. 8025. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8026. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8027. Of the funds made available in this Act, not less than \$61,100,000 shall be available to maintain an attrition reserve force of 18 B-52 aircraft, of which \$3,300,000 shall be available from "Military Personnel, Air Force", \$37,400,000 shall be available from "Operation and Maintenance, Air Force", and \$20,400,000 shall be available from "Aircraft Procurement, Air Force": Provided, That the Secretary of the Air Force shall maintain a total force of 94 B-52 aircraft, including 18 attrition reserve air-

craft, during fiscal year 2002: Provided further, That the Secretary of Defense shall include in the Air Force budget request for fiscal year 2003 amounts sufficient to maintain a B-52 force totaling 94 aircraft.

SEC. 8028. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46-48).

SEC. 8029. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8030. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8031. Of the funds made available in this Act, not less than \$24,303,000 shall be available for the Civil Air Patrol Corporation, of which \$22,803,000 shall be available for Civil Air Patrol Corporation operation and maintenance to support readiness activities which includes \$1,500,000 for the Civil Air Patrol counterdrug program: Provided, That funds identified for "Civil Air Patrol" under this section are intended for and shall be for the exclusive use of the Civil Air Patrol Corporation and not for the Air Force or any unit thereof.

SEC. 8032. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2002 may be used by a defense FFRDC, through a fee

or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2002, not more than 6,227 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,029 staff years may be funded for the defense studies and analysis FFRDCs.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2003 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by \$60,000,000.

SEC. 8033. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8034. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8035. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8036. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2001. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8037. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8038. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8039. The Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees by February 1, 2002, a detailed report identifying, by amount and by separate budget activity, activity group, subactivity group, line item, program element, program, project, subproject, and activity, any activity for which the fiscal year 2003 budget request was reduced because the Congress appropriated funds above the President's budget request for that specific activity for fiscal year 2002.

SEC. 8040. Notwithstanding any other provision of law, funds available for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8041. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8042. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-1).

SEC. 8043. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$100,000.

SEC. 8044. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2003 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2003 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2003 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8045. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2003: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended.

SEC. 8046. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8047. Of the funds appropriated by the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than \$10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8048. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year and hereafter pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986, and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation

and maintenance of the Center as provided for in subsection 1459(g)(2).

(TRANSFER OF FUNDS)

SEC. 8049. In addition to the amounts appropriated elsewhere in this Act, \$10,000,000 is hereby appropriated to the Department of Defense: Provided, That at the direction of the Assistant Secretary of Defense for Reserve Affairs, these funds shall be transferred to the Reserve component personnel accounts in Title I of this Act: Provided further, That these funds shall be used for incentive and bonus programs that address the most pressing recruitment and retention issues in the Reserve components.

SEC. 8050. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8051. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8052. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8053. During the current fiscal year and hereafter, funds appropriated or made available by the transfer of funds in this or subsequent Appropriations Acts, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) until the enactment of the Intelligence Authorization Act for that fiscal year and funds appropriated or made available by transfer of funds in any subsequent Supplemental Appropriations Act enacted after the enactment of the Intelligence Authorization Act for that fiscal year are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 8054. Notwithstanding section 303 of Public Law 96-487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: Provided, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

SEC. 8055. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded as of the date of the enactment of this Act from the following accounts in the specified amounts:

"Aircraft Procurement, Army, 2001/2003", \$15,500,000;

"Aircraft Procurement, Air Force, 2001/2003", \$43,983,000;

"Missile Procurement, Air Force, 2001/2003", \$58,550,000;

"Procurement, Defense-Wide, 2001/2003", \$64,170,000;

"Research, Development, Test and Evaluation, Air Force, 2001/2002", \$13,450,000; and

"Research, Development, Test and Evaluation, Defense-Wide, 2001/2002", \$5,664,000.

SEC. 8056. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8057. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8058. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: Provided, That during the performance of such duty, the members of the National Guard shall be under State command and control: Provided further, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8059. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies

and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8060. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act, for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of \$130,000,000 or higher.

SEC. 8061. Of the funds made available under the heading "Operation and Maintenance, Air Force", \$12,000,000 shall be available to realign railroad track on Elmendorf Air Force Base and Fort Richardson.

SEC. 8062. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8063. Appropriations available in this Act under the heading "Operation and Maintenance, Defense-Wide" for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8064. None of the funds made available in this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8065. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8066. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8067. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8068. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: Provided, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8069. Of the funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide", up to \$5,000,000 shall be available to provide assistance, by grant or otherwise, to public school systems that have unusually high concentrations of special needs military dependents enrolled: Provided, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments: Provided further, That up to \$2,000,000 shall be available for DOD to establish a non-profit trust fund to assist in the public-private funding of public school repair and maintenance projects, or provide directly to non-profit organizations who in return will use these monies to provide assistance in the form of repair, maintenance, or renovation to public school systems that have high concentrations of special needs military dependents and are located in States that are considered overseas assignments: Provided further, That to the extent a federal agency provides this assistance, by contract, grant or otherwise, it may accept and expend non-federal funds in combination with these federal funds to provide assistance for the authorized purpose, if the non-federal entity requests such assistance and the non-federal funds are provided on a reimbursable basis.

SEC. 8070. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and,

if so, how the President proposes to provide funds for such replacement.

SEC. 8071. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: Provided, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed \$15,000,000,000: Provided further, That the exposure fees charged and collected by the Secretary for each guarantee shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: Provided further, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations in the House of Representatives on the implementation of this program: Provided further, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8072. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8073. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8074. Up to \$3,000,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems critical to base operations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8075. During the current fiscal year, no more than \$30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8076. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8077. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of

availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8078. Funds appropriated in title II of this Act and for the Defense Health Program in title VI of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: Provided, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8079. During the current fiscal year, the Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: Provided, That costs for which reimbursement is waived pursuant to this section shall be paid from appropriations available for the Asia-Pacific Center.

SEC. 8080. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8081. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8082. Notwithstanding 31 U.S.C. 3902, during the current fiscal year and hereafter, interest penalties may be paid by the Department of Defense from funds financing the operation of the military department or defense agency with which the invoice or contract payment is associated.

SEC. 8083. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Foreign Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8084. Of the funds made available under the heading "Operation and Maintenance, Air Force", not less than \$1,500,000 shall be made available by grant or otherwise, to the Council of Athabascan Tribal Governments, to provide assistance for health care, monitoring and related issues associated with research conducted from 1955 to 1957 by the former Arctic Aeromedical Laboratory.

SEC. 8085. In addition to the amounts appropriated or otherwise made available in this Act, \$5,000,000, to remain available until September 30, 2002, is hereby appropriated to the Department of Defense: Provided, That the Secretary of Defense shall make a grant in the amount of \$5,000,000 to the American Red Cross for Armed Forces Emergency Services.

SEC. 8086. None of the funds made available in this Act may be used to approve or license the sale of the F-22 advanced tactical fighter to any foreign government.

SEC. 8087. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8088. Funds made available to the Civil Air Patrol in this Act under the heading "Drug Interdiction and Counter-Drug Activities, Defense" may be used for the Civil Air Patrol Corporation's counterdrug program, including its demand reduction program involving youth programs, as well as operational and training drug reconnaissance missions for Federal, State, and

local government agencies; and for equipment needed for mission support or performance: Provided, That the Department of the Air Force should waive reimbursement from the Federal, State, and local government agencies for the use of these funds.

SEC. 8089. Section 8125 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259), is hereby repealed.

SEC. 8090. Of the funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Navy", up to \$3,000,000 may be made available for a Maritime Fire Training Center at Barbers Point, including provision for laboratories, construction, and other efforts associated with research, development, and other programs of major importance to the Department of Defense.

SEC. 8091. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8092. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, to Indian health service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

SEC. 8093. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by \$140,591,000 to reflect savings from favorable foreign currency fluctuations, to be distributed as follows:

"Operation and Maintenance, Army", \$89,359,000;

"Operation and Maintenance, Navy", \$15,445,000;

"Operation and Maintenance, Marine Corps", \$1,379,000;

"Operation and Maintenance, Air Force", \$24,408,000; and

"Operation and Maintenance, Defense-Wide", \$10,000,000.

SEC. 8094. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T-AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made

in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8095. Notwithstanding any other provision of law, the total amount appropriated in this Act under Title I and Title II is hereby reduced by \$50,000,000: Provided, That during the current fiscal year, not more than 250 military and civilian personnel of the Department of Defense shall be assigned to legislative affairs or legislative liaison functions: Provided further, That of the 250 personnel assigned to legislative liaison or legislative affairs functions, 20 percent shall be assigned to the Office of the Secretary of Defense and the Office of the Chairman of the Joint Chiefs of Staff, 20 percent shall be assigned to the Department of the Army, 20 percent shall be assigned to the Department of the Navy, 20 percent shall be assigned to the Department of the Air Force, and 20 percent shall be assigned to the combatant commands: Provided further, That of the personnel assigned to legislative liaison and legislative affairs functions, no fewer than 20 percent shall be assigned to the Under Secretary of Defense (Comptroller), the Assistant Secretary of the Army (Financial Management and Comptroller), the Assistant Secretary of the Navy (Financial Management and Comptroller), and the Assistant Secretary of the Air Force (Financial Management and Comptroller).

SEC. 8096. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8097. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8098. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by \$171,296,000, to reduce cost growth in travel, to be distributed as follows:

"Operation and Maintenance, Army", \$9,000,000;

"Operation and maintenance, Marine Corps", \$296,000;

"Operation and Maintenance, Air Force", \$150,000,000;

"Operation and Maintenance, Army Reserve", \$2,000,000; and

"Operation and maintenance, Defense-wide" \$10,000,000.

SEC. 8099. During the current fiscal year, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance accounts of the Department of Defense which are current when the refunds are received.

SEC. 8100. (a) REGISTERING INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon

the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. An information technology system shall be considered a mission critical or mission essential information technology system as defined by the Secretary of Defense.

(b) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—(1) During the current fiscal year, a major automated information system may not receive Milestone I approval, Milestone II approval, or Milestone III approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

- (A) Business process reengineering.
- (B) An analysis of alternatives.
- (C) An economic analysis that includes a calculation of the return on investment.
- (D) Performance measures.
- (E) An information assurance strategy consistent with the Department's Global Information Grid.

(c) DEFINITIONS.—For purposes of this section: (1) The term "Chief Information Officer" means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term "information technology system" has the meaning given the term "information technology" in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

(3) The term "major automated information system" has the meaning given that term in Department of Defense Directive 5000.1.

SEC. 8101. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8102. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API-T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8103. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8104. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8105. During the current fiscal year, under regulations prescribed by the Secretary of Defense, the Center of Excellence for Disaster Management and Humanitarian Assistance may also pay, or authorize payment for, the expenses of providing or facilitating education and training for appropriate military and civilian personnel of foreign countries in disaster management, peace operations, and humanitarian assistance.

SEC. 8106. (a) The Department of Defense is authorized to enter into agreements with the Veterans Administration and federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order No. 13084 (issued May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of governmental services so as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of this section, the term "Native Hawaiian" means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

SEC. 8107. In addition to the amounts provided elsewhere in this Act, the amount of \$10,000,000 is hereby appropriated for "Operation and Maintenance, Defense-Wide", to be available, notwithstanding any other provision of law, only for a grant to the United Service Organizations Incorporated, a federally chartered corporation under chapter 2201 of title 36, United States Code. The grant provided for by this section is in addition to any grant provided for under any other provision of law.

SEC. 8108. Of the amounts appropriated in this Act under the heading "Research, Development,

Test and Evaluation, Defense-Wide", \$141,700,000 shall be made available for the Arrow missile defense program: Provided, That of this amount, \$107,700,000 shall be made available for the purpose of continuing the Arrow System Improvement Program (ASIP), continuing ballistic missile defense interoperability with Israel, and establishing an Arrow production capability in the United States: Provided further, That the remainder, \$34,000,000, shall be available for the purpose of adjusting the cost-share of the parties under the Agreement between the Department of Defense and the Ministry of Defense of Israel for the Arrow Deployability Program.

SEC. 8109. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8110. Of the amounts appropriated in this Act under the heading "Operation and Maintenance, Defense-Wide", \$115,000,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government.

SEC. 8111. In addition to the amounts appropriated or otherwise made available in this Act, \$1,300,000,000 is hereby appropriated to the Department of Defense for whichever of the following purposes the President determines to be in the national security interests of the United States:

- (1) research, development, test and evaluation for ballistic missile defense; and
- (2) activities for combating terrorism.

SEC. 8112. In addition to amounts appropriated elsewhere in this Act, \$5,000,000 is hereby appropriated to the Department of Defense: Provided, That the Secretary of the Army shall make a grant in the amount of \$5,000,000 to the Fort Des Moines Memorial Park and Education Center.

SEC. 8113. In addition to amounts appropriated elsewhere in this Act, \$5,000,000 is hereby appropriated to the Department of Defense: Provided, That the Secretary of Defense shall make a grant in the amount of \$5,000,000 to the National D-Day Museum.

SEC. 8114. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2002.

SEC. 8115. (a) Section 8162 of the Department of Defense Appropriations Act, 2000 (16 U.S.C. 431 note; Public Law 106-79) is amended—

- (1) by redesignating subsection (m) as subsection (o); and
- (2) by adding after subsection (l) the following:

"(m) AUTHORITY TO ESTABLISH MEMORIAL.—“(1) IN GENERAL.—The Commission may establish a permanent memorial to Dwight D. Eisenhower on land under the jurisdiction of the Secretary of the Interior in the District of Columbia or its environs.

"(2) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.).”.

(b) Section 8162 of the Department of Defense Appropriations Act, 2000 (16 U.S.C. 431 note; Public Law 106-79) is amended—

- (1) in subsection (j)(2), by striking "accept gifts" and inserting "solicit and accept contributions"; and
- (2) by inserting after subsection (m) (as added by subsection (a)(2)) the following:

"(n) MEMORIAL FUND.—“(1) ESTABLISHMENT.—There is created in the Treasury a fund for the memorial to Dwight D.

Eisenhower that includes amounts contributed under subsection (j)(2).

“(2) **USE OF FUND.**—The fund shall be used for the expenses of establishing the memorial.

“(3) **INTEREST.**—The Secretary of the Treasury shall credit to the fund the interest on obligations held in the fund.”

(c) In addition to the amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense, \$3,000,000, to remain available until expended is hereby appropriated to the Department of Defense: Provided, That the Secretary of Defense shall make a grant in the amount of \$3,000,000 to the Dwight D. Eisenhower Memorial Commission for direct administrative support.

SEC. 8116. In addition to amounts appropriated elsewhere in this Act, \$8,000,000 shall be available only for the settlement of subcontractor claims for payment associated with the Air Force contract F19628-97-C-0105, Clear Radar Upgrade, at Clear AFS, Alaska: Provided, That the Secretary of the Air Force shall evaluate claims as may be submitted by subcontractors, engaged under the contract, and, notwithstanding any other provision of law shall pay such amounts from the funds provided in this paragraph which the Secretary deems appropriate to settle completely any claims which the Secretary determines to have merit, with no right of appeal in any forum: Provided further, That subcontractors are to be paid interest, calculated in accordance with the Contract Disputes Act of 1978, 41 U.S.C. Sections 601–613, on any claims which the Secretary determines to have merit: Provided further, That the Secretary of the Air Force may delegate evaluation and payment as above to the U.S. Army Corps of Engineers, Alaska District on a reimbursable basis.

SEC. 8117. Notwithstanding any other provision of this Act, the total amount appropriated in this Act is hereby reduced by \$1,650,000,000, to reflect savings to be achieved from business process reforms, management efficiencies, and procurement of administrative and management support: Provided, That none of the funds provided in this Act may be used for consulting and advisory services for legislative affairs and legislative liaison functions.

SEC. 8118. In addition to amounts provided elsewhere in this Act, \$21,000,000 is hereby appropriated for the Secretary of Defense to establish a Regional Defense Counter-terrorism Fellowship Program: Provided, That funding provided herein may be used by the Secretary to fund foreign military officers to attend U.S. military educational institutions and selected regional centers for non-lethal training: Provided further, That United States Regional Commanders in Chief will be the nominative authority for candidates and schools for attendance with joint staff review and approval by the Secretary of Defense: Provided further, That the Secretary of Defense shall establish rules to govern the administration of this program.

SEC. 8119. Notwithstanding any other provision of law, from funds appropriated in this or any other Act under the heading, “Aircraft Procurement, Air Force”, that remain available for obligation, not to exceed \$16,000,000 shall be available for recording, adjusting, and liquidating obligations for the C-17 aircraft properly chargeable to the fiscal year 1998 Aircraft Procurement, Air Force account: Provided, That the Secretary of the Air Force shall notify the congressional defense committees of all of the specific sources of funds to be used for such purpose.

SEC. 8120. Notwithstanding any provisions of the Southern Nevada Public Land Management Act of 1998, Public Law 105-263, or the land use planning provision of Section 202 of the Federal Land Policy and Management Act of 1976, Public Law 94-579, or of any other law to the contrary, the Secretary of the Interior may acquire non-federal lands adjacent to Nellis Air Force Base, through a land exchange in Nevada, to

ensure the continued safe operation of live ordnance departure areas at Nellis Air Force Base, Las Vegas, Nevada. The Secretary of the Air Force shall identify up to 220 acres of non-federal lands needed to ensure the continued safe operation of the live ordnance departure areas at Nellis Air Force Base. Any such identified property acquired by exchange by the Secretary of the Interior shall be transferred by the Secretary of the Interior to the jurisdiction, custody, and control of the Secretary of the Air Force to be managed as a part of Nellis Air Force Base. To the extent the Secretary of the Interior is unable to acquire non-federal lands by exchange, the Secretary of the Air Force is authorized to purchase those lands at fair market value subject to available appropriations.

SEC. 8121. Of the amounts appropriated in this Act under the heading, “Shipbuilding and Conversion, Navy”, \$725,000,000 shall be available until September 30, 2002, to fund prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: Provided further, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:
Under the heading, “Shipbuilding and Conversion, Navy, 1995/2002”:
Carrier Replacement Program, \$172,364,000;
Under the heading, “Shipbuilding and Conversion, Navy, 1996/2002”:
LPD-17 Amphibious Transport Dock Ship Program, \$172,989,000;
Under the heading, “Shipbuilding and Conversion, Navy, 1997/2002”:
DDG-51 Destroyer Program, \$37,200,000;
Under the heading, “Shipbuilding and Conversion, Navy, 1998/2002”:
NSSN Program, \$168,561,000;
DDG-51 Destroyer Program, \$111,457,000;
Under the heading, “Shipbuilding and Conversion, Navy, 1999/2002”:
NSSN Program, \$62,429,000.

(TRANSFER OF FUNDS)

SEC. 8122. Upon enactment of this Act, the Secretary of the Navy shall make the following transfers of funds: Provided, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amount specified:

From:
Under the heading, “Shipbuilding and Conversion, Navy, 1990/2002”:
TRIDENT ballistic missile submarine program, \$78,000;
SSN-21 attack submarine program, \$66,000;
DDG-51 destroyer program, \$6,100,000;
ENTERPRISE refueling modernization program, \$964,000;
LSD-41 dock landing ship cargo variant ship program, \$237,000;
MCM mine countermeasures program, \$118,000;
Oceanographic ship program, \$2,317,000;
AOE combat support ship program, \$164,000;
AO conversion program, \$56,000;
Coast Guard icebreaker ship program, \$863,000;
Craft, outfitting, post delivery, and ship special support equipment, \$529,000;
To:
Under the heading, “Shipbuilding and Conversion, Navy, 1998/2002”:
DDG-51 destroyer program, \$11,492,000;
From:
Under the heading, “Shipbuilding and Conversion, Navy, 1993/2002”:
DDG-51 destroyer program, \$3,986,000;
LHD-1 amphibious assault ship program, \$85,000;

LSD-41 dock landing ship cargo variant program, \$428,000;

AOE combat support ship program, \$516,000;
Craft, outfitting, post delivery, and first destination transportation, and inflation adjustments, \$1,034,000;

To:
Under the heading, “Shipbuilding, and Conversion, Navy, 1998/2002”:
DDG-51 destroyer program, \$6,049,000;

From:
Under the heading, “Other Procurement, Navy, 2001/2003”:
Shallow Water MCM, \$16,248,000;

To:
Under the heading, “Shipbuilding and Conversion, Navy, 2001/2005”:
Submarine Refuelings, \$16,248,000.

SEC. 8123. (a) The Secretary of Defense shall convey to Gwitchyaa Zhee Corporation the lands withdrawn by Public Land Order No. 1996, Lot 1 of United States Survey 7008, Public Land Order No. 1396, a portion of Lot 3 of United States Survey 7161, lands reserved pursuant to the instructions set forth at page 513 of volume 44 of the Interior Land Decisions issued January 13, 1916, Lot 13 of United States Survey 7161, Lot 1 of United States Survey 7008 described in Public Land Order No. 1996, and Lot 13 of the United States Survey 7161 reserved pursuant to the instructions set forth at page 513 of volume 44 of the Interior Land Decisions issued January 13, 1916.

(b) Following site restoration and survey by the Department of the Air Force that portion of Lot 3 of United States Survey 7161 withdrawn by Public Land Order No. 1396 and no longer needed by the Air Force shall be conveyed to Gwitchyaa Zhee Corporation.

SEC. 8124. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under 10 U.S.C. 7622 arising out of the collision involving the USS GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: Provided, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8125. (a) Not later than February 1, 2002, the Secretary of Defense shall report to the congressional defense committees on the status of the safety and security of munitions shipments that use commercial trucking carriers within the United States.

(b) **REPORT ELEMENTS.**—The report under subsection (a) shall include the following:

(1) An assessment of the Department of Defense's policies and practices for conducting background investigations of current and prospective drivers of munitions shipments.

(2) A description of current requirements for periodic safety and security reviews of commercial trucking carriers that carry munitions.

(3) A review of the Department of Defense's efforts to establish uniform safety and security standards for cargo terminals not operated by the Department that store munitions shipments.

(4) An assessment of current capabilities to provide for escort security vehicles for shipments that contain dangerous munitions or sensitive technology, or pass through high-risk areas.

(5) A description of current requirements for depots and other defense facilities to remain open outside normal operating hours to receive munitions shipments.

(6) Legislative proposals, if any, to correct deficiencies identified by the Department of Defense in the report under subsection (a).

(c) Not later than six months after enactment of this Act, the Secretary shall report to Congress on safety and security procedures used for U.S. munitions shipments in European NATO countries, and provide recommendations on what procedures or technologies used in those countries should be adopted for shipments in the United States.

SEC. 8126. In addition to the amounts appropriated or otherwise made available elsewhere in

this Act for the Department of Defense, \$15,000,000, to remain available until September 30, 2002 is hereby appropriated to the Department of Defense: Provided, That the Secretary of Defense shall make a grant in the amount of \$15,000,000 to the Padgett Thomas Barracks in Charleston, South Carolina.

SEC. 8127. (a) DESIGNATED SPECIAL EVENTS OF NATIONAL SIGNIFICANCE.—

(1) Notwithstanding any other provision of law, at events determined by the President to be special events of national significance for which the United States Secret Service is authorized pursuant to Section 3056(e)(1), title 18, United States Code, to plan, coordinate, and implement security operations, the Secretary of Defense, after consultation with the Secretary of the Treasury, shall provide assistance on a temporary basis without reimbursement in support of the United States Secret Service's duties related to such designated events.

(2) Assistance under this subsection shall be provided in accordance with an agreement that shall be entered into by the Secretary of Defense and the Secretary of the Treasury within 120 days of the enactment of this Act.

(b) REPORT ON ASSISTANCE.—Not later than January 30 of each year following a year in which the Secretary of Defense provides assistance under this section, the Secretary shall submit to Congress a report on the assistance provided. The report shall set forth—

(1) a description of the assistance provided; and

(2) the amount expended by the Department in providing the assistance.

(c) RELATIONSHIP TO OTHER LAWS.—The assistance provided under this section shall not be subject to the provisions of sections 375 and 376 of this title.

SEC. 8128. MULTI-YEAR AIRCRAFT LEASE PILOT PROGRAM. (a) The Secretary of the Air Force may, from funds provided in this Act or any future appropriations Act, establish a multi-year pilot program for leasing general purpose Boeing 767 aircraft in commercial configuration.

(b) Sections 2401 and 2401a of title 10, United States Code, shall not apply to any aircraft lease authorized by this section.

(c) Under the aircraft lease Pilot Program authorized by this section:

(1) The Secretary may include terms and conditions in lease agreements that are customary in aircraft leases by a non-Government lessor to a non-Government lessee, but only those that are not inconsistent with any of the terms and conditions mandated herein.

(2) The term of any individual lease agreement into which the Secretary enters under this section shall not exceed 10 years, inclusive of any options to renew or extend the initial lease term.

(3) The Secretary may provide for special payments in a lessor if the Secretary terminates or cancels the lease prior to the expiration of its term. Such special payments shall not exceed an amount equal to the value of one year's lease payment under the lease.

(4) Subchapter IV of chapter 15 of Title 31, United States Code shall apply to the lease transactions under this section, except that the limitation in section 1553(b)(2) shall not apply.

(5) The Secretary shall lease aircraft under terms and conditions consistent with this section and consistent with the criteria for an operating lease as defined in OMB Circular A-11, as in effect at the time of the lease.

(6) Lease arrangements authorized by this section may not commence until:

(A) The Secretary submits a report to the congressional defense committees outlining the plans for implementing the Pilot Program. The report shall describe the terms and conditions of proposed contracts and describe the expected savings, if any, comparing total costs, including operation, support, acquisition, and financing, of the lease, including modification, with the outright purchase of the aircraft as modified.

(B) A period of not less than 30 calendar days has elapsed after submitting the report.

(7) Not later than 1 year after the date on which the first aircraft is delivered under this Pilot Program, and yearly thereafter on the anniversary of the first delivery, the Secretary shall submit a report to the congressional defense committees describing the status of the Pilot Program. The Report will be based on at least 6 months of experience in operating the Pilot Program.

(8) The Air Force shall accept delivery of the aircraft in a general purpose configuration.

(9) At the conclusion of the lease term, each aircraft obtained under that lease may be returned to the contractor in the same configuration in which the aircraft was delivered.

(10) The present value of the total payments over the duration of each lease entered into under this authority shall not exceed 90 percent of the fair market value of the aircraft obtained under that lease.

(d) No lease entered into under this authority shall provide for—

(1) the modification of the general purpose aircraft from the commercial configuration, unless and until separate authority for such conversion is enacted and only to the extent budget authority is provided in advance in appropriations Acts for that purpose; or

(2) the purchase of the aircraft by, or the transfer of ownership to, the Air Force.

(e) The authority granted to the Secretary of the Air Force by this section is separate from and in addition to, and shall not be construed to impair or otherwise affect, the authority of the Secretary to procure transportation or enter into leases under a provision of law other than this section.

(f) The authority provided under this section may be used to lease not more than a total of one hundred aircraft for the purposes specified herein.

(g) Notwithstanding any other provision of this Act or any other provision of law, the President shall have the sole authority to reprogram, for any other defense purpose, the funds authorized by this section if he determines that doing so will increase national security or save lives.

SEC. 8129. From within amounts made available in the Title II of this Act, under the heading "Operation and Maintenance, Army National Guard", and notwithstanding any other provision of law, \$2,500,000 shall be available only for repairs and safety improvements to the segment of Camp McCain Road which extends from Highway 8 south toward the boundary of Camp McCain, Mississippi and originating intersection of Camp McCain Road; and for repairs and safety improvements to the segment of Greensboro Road which connects the Administration Offices of Camp McCain to the Trout Rifle Range: Provided, That these funds shall remain available until expended: Provided further, That the authorized scope of work includes, but is not limited to, environmental documentation and mitigation, engineering and design, improving safety, resurfacing, widening lanes, enhancing shoulders, and replacing signs and pavement markings.

SEC. 8130. From funds made available under Title II of this Act, the Secretary of the Army may make available a grant of \$3,000,000 to the Chicago Park District for renovation of the Broadway Armory, a former National Guard facility in the Edgewater community in Chicago.

SEC. 8131. Notwithstanding any other provision of law, none of the funds in this Act may be used to alter specifications for insulation to be used on U.S. naval ships or for the procurement of insulation materials different from those in use as of November 1, 2001, until the Department of Defense certifies to the Appropriations Committees that the proposed specification changes or proposed new insulation materials will be as safe, provide no increase in weight, and will not increase maintenance requirements when compared to the insulation material currently used.

SEC. 8132. (a)(1) Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§2228. Department of Defense strategic loan and loan guaranty program

"(a) AUTHORITY.—The Secretary of Defense may carry out a program to make direct loans and guarantee loans for the purpose of supporting the attainment of the objectives set forth in subsection (b).

"(b) OBJECTIVES.—The Secretary may, under the program, make a direct loan to an applicant or guarantee the payment of the principal and interest of a loan made to an applicant upon the Secretary's determination that the applicant's use of the proceeds of the loan will support the attainment of any of the following objectives:

"(1) Sustain the readiness of the United States to carry out the national security objectives of the United States through the guarantee of steady domestic production of items necessary for low intensity conflicts to counter terrorism or other imminent threats to the national security of the United States.

"(2) Sustain the economic stability of strategically important domestic sectors of the defense industry that manufacture or construct products for low-intensity conflicts and counter terrorism to respond to attacks on United States national security and to protect potential United States civilian and military targets from attack.

"(3) Sustain the production and use of systems that are critical for the exploration and development of new domestic energy sources for the United States.

"(c) CONDITIONS.—A loan made or guaranteed under the program shall meet the following requirements:

"(1) The period for repayment of the loan may not exceed five years.

"(2) The loan shall be secured by primary collateral that is sufficient to pay the total amount of the unpaid principal and interest of the loan in the event of default.

"(d) EVALUATION OF COST.—As part of the consideration of each application for a loan or for a guarantee of the loan under the program, the Secretary shall evaluate the cost of the loan within the meaning of section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)).

(2) The table of sections at the beginning of such section is amended by adding at the end the following new item:

"2228. Department of Defense strategic loan and loan guaranty program."

(b) Of the amounts appropriated by Public Law 107-38, there shall be available such sums as may be necessary for the costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of direct loans and loan guarantees made under section 2228 of title 10, United States Code, as added by subsection (a).

SEC. 8133. REGULATION OF BIOLOGICAL AGENTS AND TOXINS. (a) BIOLOGICAL AGENTS PROVISIONS OF THE ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996; CODIFICATION IN THE PUBLIC HEALTH SERVICE ACT, WITH AMENDMENTS.—

(1) PUBLIC HEALTH SERVICE ACT.—Subpart 1 of part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.) is amended by inserting after section 351 the following:

"SEC. 351A. ENHANCED CONTROL OF BIOLOGICAL AGENTS AND TOXINS.

"(a) REGULATORY CONTROL OF BIOLOGICAL AGENTS AND TOXINS.—

"(1) LIST OF BIOLOGICAL AGENTS AND TOXINS.—

"(A) IN GENERAL.—The Secretary shall by regulation establish and maintain a list of each biological agent and each toxin that has the potential to pose a severe threat to public health and safety.

“(B) CRITERIA.—In determining whether to include an agent or toxin on the list under subparagraph (A), the Secretary shall—

“(i) consider—

“(I) the effect on human health of exposure to the agent or toxin;

“(II) the degree of contagiousness of the agent or toxin and the methods by which the agent or toxin is transferred to humans;

“(III) the availability and effectiveness of pharmacotherapies and immunizations to treat and prevent any illness resulting from infection by the agent or toxin; and

“(IV) any other criteria, including the needs of children and other vulnerable populations, that the Secretary considers appropriate; and

“(ii) consult with appropriate Federal departments and agencies, and scientific experts representing appropriate professional groups, including those with pediatric expertise.

“(2) BIENNIAL REVIEW.—The Secretary shall review and republish the list under paragraph (1) biennially, or more often as needed, and shall, through rulemaking, revise the list as necessary to incorporate additions or deletions to ensure public health, safety, and security.

“(3) EXEMPTIONS.—The Secretary may exempt from the list under paragraph (1)—

“(A) attenuated or inactive biological agents or toxins used in biomedical research or for legitimate medical purposes; and

“(B) products that are cleared or approved under the Federal Food, Drug, and Cosmetic Act or under the Virus-Serum-Toxin Act, as amended in 1985 by the Food Safety and Security Act.”;

“(b) REGULATION OF TRANSFERS OF LISTED BIOLOGICAL AGENTS AND TOXINS.—The Secretary shall by regulation provide for—

“(1) the establishment and enforcement of safety procedures for the transfer of biological agents and toxins listed pursuant to subsection (a)(1), including measures to ensure—

“(A) proper training and appropriate skills to handle such agents and toxins; and

“(B) proper laboratory facilities to contain and dispose of such agents and toxins;

“(2) safeguards to prevent access to such agents and toxins for use in domestic or international terrorism or for any other criminal purpose;

“(3) the establishment of procedures to protect the public safety in the event of a transfer or potential transfer of a biological agent or toxin in violation of the safety procedures established under paragraph (1) or the safeguards established under paragraph (2); and

“(4) appropriate availability of biological agents and toxins for research, education, and other legitimate purposes.

“(c) POSSESSION AND USE OF LISTED BIOLOGICAL AGENTS AND TOXINS.—The Secretary shall by regulation provide for the establishment and enforcement of standards and procedures governing the possession and use of biological agents and toxins listed pursuant to subsection (a)(1) in order to protect the public health and safety, including the measures, safeguards, procedures, and availability of such agents and toxins described in paragraphs (1) through (4) of subsection (b), respectively.

“(d) REGISTRATION AND TRACEABILITY MECHANISMS.—Regulations under subsections (b) and (c) shall require registration for the possession, use, and transfer of biological agents and toxins listed pursuant to subsection (a)(1), and such registration shall include (if available to the registered person) information regarding the characterization of such biological agents and toxins to facilitate their identification and traceability. The Secretary shall maintain a national database of the location of such biological agents and toxins with information regarding their characterizations.

“(e) INSPECTIONS.—The Secretary shall have the authority to inspect persons subject to the regulations under subsections (b) and (c) to ensure their compliance with such regulations, in-

cluding prohibitions on restricted persons under subsection (g).

“(f) EXEMPTIONS.—

“(1) IN GENERAL.—The Secretary shall establish exemptions, including exemptions from the security provisions, from the applicability of provisions of—

“(A) the regulations issued under subsection (b) and (c) when the Secretary determines that the exemptions, including exemptions from the security requirements, and for the use of attenuated or inactive biological agents or toxins in biomedical research or for legitimate medical purposes are consistent with protecting public health and safety; and

“(B) the regulations issued under subsection (c) for agents and toxins that the Secretary determines do not present a threat for use in domestic or international terrorism, provided the exemptions are consistent with protecting public health and safety.

“(2) CLINICAL LABORATORIES.—The Secretary shall exempt clinical laboratories and other persons that possess, use, or transfer biological agents and toxins listed pursuant to subsection (a)(1) from the applicability of provisions of regulations issued under subsections (b) and (c) only when—

“(A) such agents or toxins are presented for diagnosis, verification, or proficiency testing;

“(B) the identification of such agents and toxins is, when required under Federal or State law, reported to the Secretary or other public health authorities; and

“(C) such agents or toxins are transferred or destroyed in a manner set forth by the Secretary in regulation.

“(g) SECURITY REQUIREMENTS FOR REGISTERED PERSONS.—

“(1) SECURITY.—In carrying out paragraphs (2) and (3) of subsection (b), the Secretary shall establish appropriate security requirements for persons possessing, using, or transferring biological agents and toxins listed pursuant to subsection (a)(1), considering existing standards developed by the Attorney General for the security of government facilities, and shall ensure compliance with such requirements as a condition of registration under regulations issued under subsections (b) and (c).

“(2) LIMITING ACCESS TO LISTED AGENTS AND TOXINS.—Regulations issued under subsections (b) and (c) shall include provisions—

“(A) to restrict access to biological agents and toxins listed pursuant to subsection (a)(1) only to those individuals who need to handle or use such agents or toxins; and

“(B) to provide that registered persons promptly submit the names and other identifying information for such individuals to the Attorney General, with which information the Attorney General shall promptly use criminal, immigration, and national security databases available to the Federal Government to identify whether such individuals—

“(i) are restricted persons, as defined in section 175b of title 18, United States Code; or

“(ii) are named in a warrant issued to a Federal or State law enforcement agency for participation in any domestic or international act of terrorism.

“(3) CONSULTATION AND IMPLEMENTATION.—Regulations under subsections (b) and (c) shall be developed in consultation with research-performing organizations, including universities, and implemented with timeframes that take into account the need to continue research and education using biological agents and toxins listed pursuant to subsection (a)(1).

“(h) DISCLOSURE OF INFORMATION.—

“(1) IN GENERAL.—Any information in the possession of any Federal agency that identifies a person, or the geographic location of a person, who is registered pursuant to regulations under this section (including regulations promulgated before the effective date of this subsection), or any site-specific information relating to the type, quantity, or characterization of a biologi-

cal agent or toxin listed pursuant to subsection (a)(1) or the site-specific security mechanisms in place to protect such agents and toxins, including the national database required in subsection (d), shall not be disclosed under section 552(a) of title 5, United States Code.

“(2) DISCLOSURES FOR PUBLIC HEALTH AND SAFETY; CONGRESS.—Nothing in this section may be construed as preventing the head of any Federal agency—

“(A) from making disclosures of information described in paragraph (1) for purposes of protecting the public health and safety; or

“(B) from making disclosures of such information to any committee or subcommittee of the Congress with appropriate jurisdiction, upon request.

“(i) CIVIL PENALTY.—Any person who violates any provision of a regulation under subsection (b) or (c) shall be subject to the United States for a civil money penalty in an amount not exceeding \$250,000 in the case of an individual and \$500,000 in the case of any other person. The provisions of section 1128A of the Social Security Act (other than subsections (a), (b), (h), and (i), the first sentence of subsection (c), and paragraphs (1) and (2) of subsection (f)) shall apply to civil money penalties under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a) of the Social Security Act. The secretary may delegate authority under this section in the same manner as provided in section 1128A(j)(2) of the Social Security Act and such authority shall include all powers as contained in 5 U.S.C. App., section 6.”

“(j) DEFINITIONS.—For purposes of this section, the terms ‘biological agent’ and ‘toxin’ have the same meaning as in section 178 of title 18, United States Code.”.

(2) REGULATIONS.—

(A) DATE CERTAIN FOR PROMULGATION; EFFECTIVE DATE REGARDING CRIMINAL AND CIVIL PENALTIES.—Not later than 180 days after the date of the enactment of this title, the Secretary of Health and Human Services shall promulgate an interim final rule for carrying out section 351A(c) of the Public Health Service Act, which amends the Antiterrorism and Effective Death Penalty Act of 1996. Such interim final rule will take effect 60 days after the date on which such rule is promulgated, including for purposes of—

(i) section 175(b) of title 18, United States Code (relating to criminal penalties), as added by subsection (b)(1)(B) of this section; and

(ii) section 351A(i) of the Public Health Service Act (relating to civil penalties).

(B) SUBMISSION OF REGISTRATION APPLICATIONS.—A person required to register for possession under the interim final rule promulgated under subparagraph (A), shall submit an application for such registration not later than 60 days after the date on which such rule is promulgated.

(3) CONFORMING AMENDMENT.—Subsections (d), (e), (f), and (g) of section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 (42 U.S.C. 262 note) are repealed.

(4) EFFECTIVE DATE.—Paragraph (1) shall take effect as if incorporated in the Antiterrorism and Effective Death Penalty Act of 1996, and any regulations, including the list under subsection (d)(1) of section 511 of that Act, issued under section 511 of that Act shall remain in effect as if issued under section 351A of the Public Health Service Act.

(b) SELECT AGENTS.—

(1) IN GENERAL.—Section 175 of title 18, United States Code, as amended by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (Public Law 107-56) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following:

“(b) SELECT AGENTS.—

“(1) **UNREGISTERED FOR POSSESSION.**—Whoever knowingly possesses a biological agent or toxin where such agent or toxin is a select agent for which such person has not obtained a registration required by regulation issued under section 351A(c) of the Public Health Service Act shall be fined under this title, or imprisoned for not more than 5 years, or both.

“(2) **TRANSFER TO UNREGISTERED PERSON.**—Whoever transfers a select agent to a person who the transferor has reasons to believe has not obtained a registration required by regulations issued under section 351A(b) or (c) of the Public Health Service Act shall be fined under this title, or imprisoned for not more than 5 years, or both.”

(2) **DEFINITIONS.**—Section 175 of title 18, United States Code, as amended by paragraph (1), is further amended by striking subsection (d) and inserting the following:

“(d) **DEFINITIONS.**—As used in this section:

“(1) The terms ‘biological agent’ and ‘toxin’ have the meanings given such terms in section 178, except that, for purposes of subsections (b) and (c), such terms do not encompass any biological agent or toxin that is in its naturally occurring environment, if the biological agent or toxin has not been cultivated, cultured, collected, or otherwise extracted from its natural source.

“(2) The term ‘for use as a weapon’ includes the development, production, transfer, acquisition, retention, or possession of any biological agent, toxin, or delivery system, other than for prophylactic, protective, or other peaceful purposes.

“(3) The term ‘select agent’ means a biological agent or toxin, as defined in paragraph (1), that is on the list that is in effect pursuant to section 511(d)(1) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132), or as subsequently revised under section 351A(a) of the Public Health Service Act.”

(3) **CONFORMING AMENDMENT.**—

(A) Section 175(a) of title 18, United States Code, is amended in the second sentence by striking “under this section” and inserting “under this subsection”.

(B) Section 175(c) of title 18, United States Code, (as redesignated by paragraph (1)), is amended by striking the second sentence.

(c) **REPORT TO CONGRESS.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, after consultation with other appropriate Federal agencies, shall submit to the Congress a report that—

(1) describes the extent to which there has been compliance by governmental and private entities with applicable regulations under section 351A of the Public Health Service Act, including the extent of compliance before the date of the enactment of this Act, and including the extent of compliance with regulations promulgated after such date of enactment;

(2) describes the actions to date and future plans of the Secretary for updating the list of biological agents and toxins under section 351A(a)(1) of the Public Health Service Act;

(3) describes the actions to date and future plans of the Secretary for determining compliance with regulations under such section 351A of the Public Health Service Act and for taking appropriate enforcement actions; and

(4) provides any recommendations of the Secretary for administrative or legislative initiatives regarding such section 351A of the Public Health Service Act.

SEC. 8134. Section 101(1) of the Soldiers’ and Sailors’ Civil Relief Act of 1940 (50 U.S.C. App. 511(1)) is amended—

(1) in the first sentence—

(A) by striking “and all” and inserting “all”; and

(B) by inserting before the period the following: “, and all members of the National Guard on duty described in the following sentence”; and

(2) in the second sentence, by inserting before the period the following: “, and, in the case of a member of the National Guard, shall include training or other duty authorized by section 502(f) of title 32, United States Code, at the request of the President, for or in support of an operation during a war or national emergency declared by the President or Congress”.

SEC. 8135. **SENSE OF CONGRESS CONCERNING THE MILITARY INDUSTRIAL BASE.** (a) **IN GENERAL.**—It is the sense of the Congress that the military aircraft industrial base of the United States be preserved. In order to ensure this we must retain—

(1) adequate competition in the design, engineering, production, sale and support of military aircraft;

(2) continued innovation in the development and manufacture of military aircraft;

(3) actual and future capability of more than one aircraft company to design, engineer, produce and support military aircraft.

(b) **STUDY OF IMPACT ON THE INDUSTRIAL BASE.**—In order to determine the current and future adequacy of the military aircraft industrial base a study shall be conducted. Of the funds made available under the heading “PROCUREMENT, DEFENSE-WIDE” in this Act, up to \$1,500,000 may be made available for a comprehensive analysis of and report on the risks to innovation and cost of limited or no competition in contracting for military aircraft and related weapon systems for the Department of Defense, including the cost of contracting where there is no more than one primary manufacturer with the capacity to bid for and build military aircraft and related weapon systems, the impact of any limited competition in primary contracting on innovation in the design, development, and construction of military aircraft and related weapon systems, the impact of limited competition in primary contracting on the current and future capacity of manufacturers to design, engineer and build military aircraft and weapon systems. The Secretary of Defense shall report to the House and Senate Committees on Appropriations on the design of this analysis, and shall submit a report to these committees no later than 6 months from the date of enactment of this Act.

SEC. 8136. The Secretary of the Army shall, using amounts appropriated by title II of this division under the heading “OPERATION AND MAINTENANCE, ARMY”, make a production grant in the amount of \$2,000,000 to Green Tree Chemical Technologies of Parlin, New Jersey, in order to help sustain that company through fiscal year 2002.

SEC. 8137. Of the funds appropriated in this Act under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE” up to \$4,000,000 may be made available to extend the modeling and reengineering program now being performed at the Oklahoma City Air Logistics Center Propulsion Directorate.

SEC. 8138. Of the total amount appropriated by title VI under the heading “OTHER DEPARTMENT OF DEFENSE APPROPRIATIONS”, \$7,500,000 may be available for Armed Forces Retirement Homes.

SEC. 8139. Of the total amount appropriated by this division for operation and maintenance, Marine Corps, \$2,800,000 may be used for completing the fielding of half-zip, pullover, fleece uniform shirts for all members of the Marine Corps, including the Marine Corps Reserve.

SEC. 8140. Of the amount appropriated by title III of this division under the heading “AIRCRAFT PROCUREMENT, AIR FORCE”, \$6,000,000 may be available for 10 radars in the Air Force Radar Modernization Program for C-130H2 aircraft for aircraft of the Nevada Air National Guard at Reno, Nevada.

SEC. 8141. Of the amount appropriated by title IV of this division under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, \$3,000,000 may be made available for Medical Development for the Clark County, Nevada, bioterrorism and public health laboratory.

SEC. 8142. Of the amount appropriated by title IV of this division under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE”, \$1,000,000 may be made available for Agile Combat Support for the Rural Low Bandwidth Medical Collaboration System.

SEC. 8143. Of the total amount appropriated by this division for operation and maintenance, Navy, \$6,000,000 may be available for the critical infrastructure protection initiative.

SEC. 8144. Of the funds provided in this Act under the heading, “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE”, \$2,000,000 may be made available for Battlespace Logistics Readiness and Sustainment project in Fayetteville, Arkansas.

SEC. 8145. Of the funds appropriated by title VI of this division under the heading “DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE”, \$2,400,000 may be made available for the Counter Narcotics and Terrorism Operational Medical Support Program at the Uniformed Services University of the Health Sciences.

SEC. 8146. (a) **ASSESSMENT REQUIRED.**—Not later than March 15, 2002, the Secretary of the Army shall submit to the Committees on Appropriations of the Senate and House of Representatives a report containing an assessment of current risks under, and various alternatives to, the current Army plan for the destruction of chemical weapons.

(b) **ELEMENTS.**—The report under subsection (a) shall include the following:

(1) A description and assessment of the current risks in the storage of chemical weapons arising from potential terrorist attacks.

(2) A description and assessment of the current risks in the storage of chemical weapons arising from storage of such weapons after April 2007, the required date for disposal of such weapons as stated in the Chemical Weapons Convention.

(3) A description and assessment of various options for eliminating or reducing the risks described in paragraphs (1) and (2).

(c) **CONSIDERATIONS.**—In preparing the report, the Secretary shall take into account the plan for the disassembly and neutralization of the agents in chemical weapons as described in Army engineering studies in 1985 and 1996, the 1991 Department of Defense Safety Contingency Plan, and the 1993 findings of the National Academy of Sciences on disassembly and neutralization of chemical weapons.

SEC. 8147. Of the amount appropriated by title IV of this division under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE” and available for the Advanced Technology Development for Arms Control Technology element, \$7,000,000 may be made available for the Nuclear Treaty sub-element of such element for peer-reviewed seismic research to support Air Force operational nuclear test monitoring requirements.

SEC. 8148. Of the amount available in title III of this division under the heading “PROCUREMENT OF AMMUNITION, AIR FORCE”, \$10,000,000 may be available for procurement of Sensor Fused Weapons (CBU-97).

SEC. 8149. Of the amount appropriated by title III of this division under the heading “OTHER PROCUREMENT, NAVY”, \$8,000,000 may be made available for procurement of the Tactical Support Center, Mobile Acoustic Analysis System.

SEC. 8150. Of the total amount appropriated by this division for operation and maintenance, Air National Guard, \$4,000,000 may be used for continuation of the Air National Guard Information Analysis Network (GUARDIAN).

SEC. 8151. Of the amount appropriated by title II for operation and maintenance, Defense-wide, \$55,700,000 may be available for the Defense Leadership and Management Program.

SEC. 8152. Of the funds made available in title IV of this Act under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to \$4,000,000 may be made available for the

Display Performance and Environmental Evaluation Laboratory Project of the Army Research Laboratory.

SEC. 8153. Of the funds made available in title II of this Act under the heading "OPERATION AND MAINTENANCE, NAVY", up to \$2,000,000 may be made available for the U.S. Navy to expand the number of combat aircrews who can benefit from outsourced Joint Airborne Tactical Electronic Combat Training.

SEC. 8154. Of the funds made available in title II of this Act under the heading "OPERATION AND MAINTENANCE, AIR FORCE", up to \$2,000,000 may be made available for the U.S. Air Force to expand the number of combat aircrews who can benefit from outsourced Joint Airborne Tactical Electronic Combat Training.

SEC. 8155. SENSE OF THE SENATE REGARDING ENVIRONMENTAL CONTAMINATION IN THE PHILIPPINES. It is the sense of the Senate that—

(1) The Secretary of State, in cooperation with the Secretary of Defense, should continue to work with the Government of the Philippines and with appropriate non-governmental organizations in the United States and the Philippines to fully identify and share all relevant information concerning environmental contamination and health effects emanating from former United States military facilities in the Philippines following the departure of the United States military forces from the Philippines in 1992;

(2) the United States and the Government of the Philippines should continue to build upon the agreements outlined in the Joint Statement by the United States and the Republic of the Philippines on a Framework for Bilateral Cooperation in the Environment and Public Health, signed on July 27, 2000; and

(3) Congress should encourage an objective non-governmental study, which would examine environmental contamination and health effects emanating from former United States military facilities in the Philippines, following the departure of United States military forces from the Philippines in 1992.

SEC. 8156. (a) AUTHORITY FOR BURIAL OF CERTAIN INDIVIDUALS AT ARLINGTON NATIONAL CEMETERY.—The Secretary of the Army shall authorize the burial in a separate gravesite at Arlington National Cemetery, Virginia, of any individual who—

(1) died as a direct result of the terrorist attacks on the United States on September 11, 2001; and

(2) would have been eligible for burial in Arlington National Cemetery by reason of service in a reserve component of the Armed Forces but for the fact that such individual was less than 60 years of age at the time of death.

(b) ELIGIBILITY OF SURVIVING SPOUSE.—The surviving spouse of an individual buried in a gravesite in Arlington National Cemetery under the authority provided under subsection (a) shall be eligible for burial in the gravesite of the individual to the same extent as the surviving spouse of any other individual buried in Arlington National Cemetery is eligible for burial in the gravesite of such other individual.

SEC. 8157. In fiscal year 2002, the Department of the Interior National Business Center may continue to enter into grants, cooperative agreements, and other transactions, under the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, and other related legislation.

SEC. 8158. Of the total amount appropriated by this division for other procurement, Army, \$9,000,000 may be available for the "Product Improved Combat Vehicle Crewman's Headset".

SEC. 8159. Of the funds appropriated by this division for research, development, test and evaluation, Navy, up to \$4,000,000 may be used to support development and testing of new designs of low cost digital modems for Wideband Common Data Link.

SEC. 8160. Of the amount appropriated by this division for the Army for research, development,

test, and evaluation, \$2,000,000 may be available for research and development of key enabling technologies (such as filament winding, braiding, contour weaving, and dry powder resin towpregs fabrication) for producing low cost, improved performance, reduced signature, multifunctional composite materials.

SEC. 8161. Of the total amount appropriated under title IV for research, development, test and evaluation, Army, \$2,000,000 may be available for the Collaborative Engineering Center of Excellence, \$3,000,000 may be available for the Battlefield Ordnance Awareness, and \$4,000,000 may be available for the Cooperative Micro-satellite Experiment.

SEC. 8162. Of the amount appropriated by title IV of this division under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY" that is available for Munitions, \$5,000,000 may be available to develop high-performance 81mm and 120mm mortar systems that use metal matrix composites to substantially reduce the weight of such systems.

SEC. 8163. Of the total amount appropriated by title IV of this division for research, development, test, and evaluation, Air Force, up to \$6,000,000 may be used for human effectiveness applied research for continuing development under the solid electrolyte oxygen separation program of the Air Force.

SEC. 8164. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104-208; 110 Stat. 3009-111, 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2002.

SEC. 8165. Of the amount appropriated by title IV of this division for the Army for research, development, test, and evaluation, \$5,000,000 may be available for the Three-Dimensional Ultrasound Imaging Initiative II.

SEC. 8166. Of the amount available in title IV of this division under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY" that is available for missile technology, \$5,000,000 may be available for the Surveillance Denial Solid Dye Laser Technology program of the Aviation and Missile Research, Development and Engineering Center of the Army.

SEC. 8167. Of the amount appropriated by title III of this division under the heading "OTHER PROCUREMENT, ARMY", \$10,000,000 may be made available for procurement of Shortstop Electronic Protection Systems for critical force protection.

SEC. 8168. Of the amount appropriated by title IV of this division under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", up to \$5,000,000 may be made available for the Broad Area Maritime Surveillance program.

SEC. 8169. (a) INCREASE IN AMOUNT AVAILABLE FOR FORMER SOVIET UNION THREAT REDUCTION.—The amount appropriated by title II of this division under the heading "FORMER SOVIET UNION THREAT REDUCTION" is hereby increased by \$46,000,000.

(b) OFFSET.—The amount appropriated by title II of this division under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" is hereby decreased by \$46,000,000.

SEC. 8170. Of the total amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", \$2,000,000 may be made available for Military Personnel Research.

SEC. 8171. Funds appropriated by this Act for C-130J aircraft shall be used to support the Air Force's long-range plan called the "C-130 Roadmap" to assist in the planning, budgeting, and beddown of the C-130J fleet. The "C-130 Roadmap" gives consideration to the needs of the service, the condition of the aircraft to be replaced, and the requirement to properly phase facilities to determine the best C-130J aircraft beddown sequence.

SEC. 8172. Of the funds made available in title II of this Act under the heading "OPERATION

AND MAINTENANCE, ARMY", \$2,550,000 may be available for the U.S. Army Materiel Command's Logistics and Technology Project (LOGTECH).

SEC. 8173. Of the total amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", \$5,000,000 is available for the planning and design for evolutionary improvements for the next LHD-type Amphibious Assault Ship.

SEC. 8174. (a) Of the total amount appropriated by title III of this division for procurement, Defense-Wide, up to \$5,000,000 may be made available for low-rate initial production of the Striker advanced lightweight grenade launcher.

(b) Of the total amount appropriated by title IV of this division for research, development, test and evaluation, Navy, up to \$1,000,000 may be made available for the Warfighting Laboratory for delivery and evaluation of prototype units of the Striker advanced lightweight grenade launcher.

SEC. 8175. Of the total amount appropriated by title IV of this division for research, development, test and evaluation, Defense-Wide, up to \$4,000,000 may be made available for the Intelligent Spatial Technologies for Smart Maps Initiative of the National Imagery and Mapping Agency.

SEC. 8176. Of the total amount appropriated by title IV of this division for research, development, test, and evaluation, Defense-Wide, \$5,000,000 may be available for further development of light weight sensors of chemical and biological agents using fluorescence-based detection.

SEC. 8177. Of the amount appropriated by title IV of this division under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", \$2,500,000 may be made available for the Army Nutrition Project.

SEC. 8178. Of the amount appropriated by title IV of this division under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", \$2,000,000 may be made available for the Partnership for Peace (PFP) Information Management System. Any amount made available for the Partnership for Peace Information Management System under this section is in addition to other amounts available for the Partnership for Peace Information Management System under this Act.

SEC. 8179. Of the amount appropriated by title III of this division under the heading "OTHER PROCUREMENT, ARMY", \$4,892,000 may be used for the Communicator Automated Emergency Notification System of the Army National Guard.

SEC. 8180. Of the funds provided for Research, Development, Test and Evaluation in this Act, the Secretary of Defense may use \$10,000,000 to initiate a university-industry program to utilize advances in 3-dimensional chip scale packaging (CSP) and high temperature superconducting (HTS) transceiver performance, to reduce the size, weight, power consumption, and cost of advanced military wireless communications systems for covert military and intelligence operations, especially HUMINT.

SEC. 8181. (a) FUNDING FOR NATIONAL GUARD CONSOLIDATED INTERACTIVE VIRTUAL INFORMATION CENTER.—Of the amount appropriated by title II of this division under the heading "OPERATION AND MAINTENANCE, AIR NATIONAL GUARD", \$5,000,000 may be available for the Consolidated Interactive Virtual Information Center of the National Guard.

(b) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (a) for the Consolidated Interactive Virtual Information Center of the National Guard is in addition to any other amounts available under this Act for the Consolidated Interactive Virtual Information Center.

SEC. 8182. Of the amount appropriated by title IV of this division under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY" and available for Navy Space and Electronic Warfare (SEW) Architecture/Engine,

\$1,200,000 may be made available for concept development and composite construction of high speed vessels currently implemented by the Navy Warfare Development Command.

SEC. 8183. Of the total amount appropriated by this division for operation and maintenance, Defense-Wide, \$5,000,000 may be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-77).

SEC. 8184. (a) FINDINGS.—The Senate makes the following findings:

(1) The military departments have recently initiated worker safety demonstration programs.

(2) These programs are intended to improve the working conditions of Department of Defense personnel and save money.

(3) These programs are in the public interest, and the enhancement of these programs will lead to desirable results for the military departments.

(b) FUNDS FOR ENHANCEMENT OF ARMY PROGRAM.—Of the amount appropriated by title II of this division under the heading "OPERATION AND MAINTENANCE, ARMY", \$3,300,000 may be available to enhance the Worker Safety Demonstration Program of the Army.

(c) FUNDS FOR ENHANCEMENT OF NAVY PROGRAM.—Of the amount appropriated by title II of this division under the heading "OPERATION AND MAINTENANCE, NAVY", \$3,300,000 may be available to enhance the Worker Safety Demonstration Program of the Navy.

(d) FUNDS FOR ENHANCEMENT OF AIR FORCE PROGRAM.—Of the amount appropriated by title II of this division under the heading "OPERATION AND MAINTENANCE, AIR FORCE", \$3,300,000 may be available to enhance the Worker Safety Demonstration Program of the Air Force.

SEC. 8185. Of the total amount appropriated by this division for operation and maintenance, Air National Guard, \$435,000 may be available (subject to section 2805(c) of title 10, United States Code) for the replacement of deteriorating gas lines, mains, valves, and fittings at the Air National Guard facility at Rosecrans Memorial Airport, St. Joseph, Missouri, and (subject to section 2811 of title 10, United States Code) for the repair of the roof of the Aerial Port Facility at that airport.

SEC. 8186. Of the amount appropriated in title IV of this division under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", \$7,000,000 may be made available for the Center for Advanced Power Systems.

SEC. 8187. Of the amount appropriated by title IV of this division for the Air Force for research, development, test, and evaluation, \$3,500,000 may be available for the Collaborative Technology Clusters program.

SEC. 8188. Of the amount appropriated by title III of this division under the heading "OTHER PROCUREMENT, ARMY", \$7,000,000 may be available for Army live fire ranges.

SEC. 8189. Of the amount appropriated by title II of this division under the heading "OPERATION AND MAINTENANCE, AIR FORCE", \$3,900,000 may be available for the aging aircraft program of the Air Force.

SEC. 8190. Of the total amount appropriated in title II of this division for operation and maintenance, Navy, for civilian manpower and personnel management, \$1,500,000 may be used for the Navy Pilot Human Resources Call Center, Cutler, Maine.

SEC. 8191. Of the total amount appropriated in title IV of this division for research, development, test and evaluation, Army, \$5,000,000 may be used for Compact Kinetic Energy Missile Inertial Future Missile Technology Integration.

SEC. 8192. Of the amount appropriated by title III of this division under the heading "OTHER PROCUREMENT, NAVY", \$1,600,000 may be available for the Navy for Engineering Control and Surveillance Systems.

SEC. 8193. Of the amount appropriated by title IV of this division under the heading "RE-

SEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", \$5,000,000 may be available for a program at the Naval Medical Research Center (NMRC) to treat victims of radiation exposure.

SEC. 8194. Of the amount appropriated by title IV of this division under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", \$10,000,000 may be available for the Gulf States Initiative.

SEC. 8195. Of the total amount appropriated by title IV of this division for research, development, test, and evaluation, Navy, \$4,300,000 may be available for the demonstration and validation of laser fabricated steel reinforcement for ship construction.

SEC. 8196. REPORT ON PROGRESS TOWARD IMPLEMENTATION OF COMPREHENSIVE NUCLEAR THREAT REDUCTION PROGRAMS TO SAFEGUARD PAKISTANI AND INDIAN MISSILE NUCLEAR STOCKPILES AND TECHNOLOGY. (a) FINDINGS.—Congress makes the following findings:

(1) Since 1991 the Nunn-Lugar cooperative threat reduction initiative with the Russian Federation has sought to address the threat posed by Soviet-era stockpiles of nuclear, chemical, and biological weapons-grade materials being illicitly acquired by terrorist organizations or rogue states.

(2) India and Pakistan have acquired or developed independently nuclear materials, detonation devices, warheads, and delivery systems as part of their nuclear weapons programs.

(3) Neither India nor Pakistan is currently a signatory of the Nuclear Non-Proliferation Treaty or the Comprehensive Test Ban Treaty or an active participant in the United Nations Conference of Disarmament, nor do these countries voluntarily submit to international inspections of their nuclear facilities.

(4) Since the commencement of the military campaign against the Taliban regime and the al-Qaeda terrorist network in Afghanistan, Pakistan has taken additional steps to secure its nuclear assets from theft by members of al-Qaeda or other terrorists sympathetic to Osama bin Laden or the Taliban.

(5) Self-policing of nuclear materials and sensitive technologies by Indian and Pakistani authorities without up-to-date Western technology and expertise in the nuclear security area is unlikely to prevent determined terrorists or sympathizers from gaining access to such stockpiles over the long term.

(6) The United States has a significant national security interest in cooperating with India and Pakistan in order to ensure that effective nuclear threat reduction programs and policies are being pursued by the governments of those two countries.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense, in cooperation with the Secretaries of State and Energy, shall submit a report to Congress describing the steps that have been taken to develop cooperative threat reduction programs with India and Pakistan. Such report shall include recommendations for changes in any provision of existing law that is currently an impediment to the full establishment of such programs, a timetable for implementation of such programs, and an estimated five-year budget that will be required to fully fund such programs.

SEC. 8197. Of the amount appropriated by title III of this division under the heading "PROCUREMENT, MARINE CORPS", \$5,000,000 may be available for M-4 Carbine, Modular Weapon Systems.

SEC. 8198. Of the amount appropriated by title III of this division under the heading "AIRCRAFT PROCUREMENT, ARMY", \$7,500,000 may be available for AN/AVR-2A laser detecting sets.

SEC. 8199. Of the amount appropriated by title IV of this division under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE", \$2,500,000 may be available for Industrial Preparedness (PE0708011F) for continuing development of the nickel-metal hydride replacement battery for F-16 aircraft.

SEC. 8200. Of the amount appropriated by title III under the heading "AIRCRAFT PROCUREMENT, NAVY", \$8,960,000 may be available for the Navy for four Hushkit noise inhibitors for C-9 aircraft.

SEC. 8201. Of the amount appropriated by title VI of this division under the heading "DEFENSE HEALTH PROGRAM", \$5,000,000 may be available for the Army for the development of the Operating Room of the Future, an applied technology test bed at the University of Maryland Medical Center.

SEC. 8202. Of the amount appropriated by title IV of this division under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", \$5,700,000 may be made available for the Coalition for Advanced Biomaterials Technologies and Therapies (CABTT) program to maximize far-forward treatment and for the accelerated return to duty of combat casualties.

SEC. 8203. Of the amount appropriated by title III of this division under the heading "AIRCRAFT PROCUREMENT, NAVY", \$9,800,000 may be available for Advanced Digital Recorders and Digital Recorder Producers for P-3 aircraft.

SEC. 8204. From amounts appropriated by this division, amounts may hereby be made available as follows: \$8,000,000 for Big Crow (PE605118D).

SEC. 8205. From within amounts appropriated by title IV of this division under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY" the Commanding General of the Army Space and Missile Defense Command may acquire and maintain domed housing units for military personnel on Kwajalein Atoll and other islands and locations in support of the mission of the command.

SEC. 8206. Of the funds made available in title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY" \$4,000,000 may be available for a national tissue engineering center.

SEC. 8207. Of the funds in title III for Ammunition Procurement, Army, \$5,000,000 may be available for M107, HE, 155mm.

SEC. 8208. Of the funds in title IV for Research, Development, Test and Evaluation, Air Force, \$1,000,000 may be available for Integrated Medical Information Technology System.

SEC. 8209. Of the funds authorized in title IV for appropriation for Research, Development, Test and Evaluation, Navy, \$3,000,000 may be available for modular helmet.

SEC. 8210. Of the funds available in title II for Operation and Maintenance, Army Reserve, \$5,000,000 may be available for land forces readiness-information operations.

SEC. 8211. Of the total amount appropriated by title III of this division for other procurement, Navy, \$10,000,000 may be available for the NULKA decoy procurement.

SEC. 8212. (a) MODIFICATION OF GENERAL REQUIREMENTS.—Section 1078(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654A-283) is amended—

(1) in paragraph (1), by inserting "or its contractors or subcontractors," after "Department of Defense"; and

(2) in paragraph (3), by striking "stored, assembled, disassembled, or maintained" and inserting "manufactured, assembled, or disassembled".

(b) DETERMINATION OF EXPOSURES AT IAAP.—The Secretary of Defense shall take appropriate actions to determine the nature and extent of the exposure of current and former employees at the Army facility at the Iowa Army Ammunition Plant, including contractor and subcontractor employees at the facility, to radioactive or other hazardous substances at the facility, including possible pathways for the exposure of such employees to such substances.

(c) NOTIFICATION OF EMPLOYEES REGARDING EXPOSURE.—(1) The Secretary shall take appropriate actions to—

(A) identify current and former employees at the facility referred to in subsection (b), including contractor and subcontractor employees at the facility; and

(B) notify such employees of known or possible exposures to radioactive or other hazardous substances at the facility.

(2) Notice under paragraph (1)(B) shall include—

(A) information on the discussion of exposures covered by such notice with health care providers and other appropriate persons who do not hold a security clearance; and

(B) if necessary, appropriate guidance on contacting health care providers and officials involved with cleanup of the facility who hold an appropriate security clearance.

(3) Notice under paragraph (1)(B) shall be by mail or other appropriate means, as determined by the Secretary.

(d) **DEADLINE FOR ACTIONS.**—The Secretary shall complete the actions required by subsections (b) and (c) not later than 90 days after the date of the enactment of this Act.

(e) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the results of the actions undertaken by the Secretary under this section, including any determinations under subsection (b), the number of workers identified under subsection (c)(1)(A), the content of the notice to such workers under subsection (c)(1)(B), and the status of progress on the provision of the notice to such workers under subsection (c)(1)(B).

SEC. 8213. Of the amount appropriated by title IV of this division under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE” \$1,000,000, may be available for Low Cost Launch Vehicle Technology.

SEC. 8214. (a) **STUDY OF PHYSICAL STATE OF ARMED SERVICES INITIAL ENTRY TRAINEE HOUSING AND BARRACKS.**—The Comptroller General of the United States shall carry out a study of the physical state of the Initial Entry Trainee housing and barracks of the Armed Services.

(b) **REPORT TO CONGRESS.**—Not later than nine months after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the study carried out under subsection (a). The report shall set forth the results of the study, and shall include such other matters relating to the study as the Comptroller General considers appropriate.

(c) **CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**—In this section, the term “congressional defense committees” means—

(1) the Committees on Appropriations and Armed Services of the Senate; and

(2) the Committees on Appropriations and Armed Services of the House of Representatives.

SEC. 8215. PILOT PROGRAM FOR EFFICIENT INVENTORY MANAGEMENT SYSTEM FOR THE DEPARTMENT OF DEFENSE. (a) Of the total amount appropriated by this division for operation and maintenance, Defense-Wide, \$1,000,000 may be available for the Secretary of Defense to carry out a pilot program for the development and operation of an efficient inventory management system for the Department of Defense. The pilot program may be designed to address the problems in the inventory management system of the Department that were identified by the Comptroller General of the United States as a result of the General Accounting Office audit of the inventory management system of the Department in 1997.

(b) In entering into any contract for purposes of the pilot program, the Secretary may take into appropriate account current Department contract goals for small business concerns owned and controlled by socially and economically disadvantaged individuals.

(c) Not later than one year after the date of the enactment of this Act, the Secretary may submit to Congress a report on the pilot pro-

gram. The report shall describe the pilot program, assess the progress of the pilot program, and contain such recommendations as the Secretary considers appropriate regarding expansion or extension of the pilot program.

SEC. 8216. Of the amount appropriated by title IV of this division under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY”, \$2,000,000 may be allocated to the Advanced Safety Tether Operation and Reliability/Space Transfer using Electrodynamic Propulsion (STEP-AIRSEDS) program (PE0602236N) of the Office of Naval Research/Navy Research Laboratory.

TITLE IX—AMERICAN SERVICEMEMBERS’ PROTECTION ACT OF 2001

SEC. 9001. SHORT TITLE.

This title may be cited as the “American Servicemembers’ Protection Act of 2001”.

SEC. 9002. FINDINGS.

Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the “Rome Statute of the International Criminal Court”. The vote on whether to proceed with the statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified it. Pursuant to Article 126 of the Rome Statute, the statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has met regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress following the adoption of the Rome Statute, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: “We are left with consequences that do not serve the cause of international justice.”

(5) Ambassador Scheffer went on to tell the Congress that: “Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court’s jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed.”

(6) Notwithstanding these concerns, President Clinton directed that the United States sign the Rome Statute on December 31, 2000. In a statement issued that day, he stated that in view of the unremedied deficiencies of the Rome Statute, “I will not, and do not recommend that my successor submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied”.

(7) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(8) Members of the Armed Forces of the United States should be free from the risk of prosecution by the International Criminal Court, especially when they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by the International Criminal Court.

(9) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court. Particularly if the Preparatory Commission agrees on a definition of the Crime of Aggression over United States objections, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than members of the Armed Forces of the United States, senior officials of the United States Government should be free from the risk of prosecution by the International Criminal Court, especially with respect to official actions taken by them to protect the national interests of the United States.

(10) Any agreement within the Preparatory Commission on a definition of the Crime of Aggression that usurps the prerogative of the United Nations Security Council under Article 39 of the charter of the United Nations to “determine the existence of any . . . act of aggression” would contravene the charter of the United Nations and undermine deterrence.

(11) It is a fundamental principle of international law that a treaty is binding upon its parties only and that it does not create obligations for nonparties without their consent to be bound. The United States is not a party to the Rome Statute and will not be bound by any of its terms. The United States will not recognize the jurisdiction of the International Criminal Court over United States nationals.

SEC. 9003. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS TITLE.

(a) **AUTHORITY TO WAIVE SECTIONS 9004 AND 9005 WITH RESPECT TO AN INVESTIGATION OR PROSECUTION OF A NAMED INDIVIDUAL.**—The President is authorized to waive the prohibitions and requirements of sections 9004 and 9005 to the degree such prohibitions and requirements would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that—

(A) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court’s investigation or prosecution;

(B) it is in the national interest of the United States for the International Criminal Court’s investigation or prosecution of the named individual to proceed; and

(C) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in an official capacity:

(i) Covered United States persons.

(ii) Covered allied persons.

(iii) Individuals who were covered United States persons or covered allied persons.

(b) **TERMINATION OF PROHIBITIONS OF THIS TITLE.**—The prohibitions and requirements of

sections 9004 and 9005 shall cease to apply, and the authority of section 9006 shall terminate, if the United States becomes a party to the International Criminal Court pursuant to a treaty made under article II, section 2, clause 2 of the Constitution of the United States.

SEC. 9004. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) **APPLICATION.**—The provisions of this section—

(1) apply only to cooperation with the International Criminal Court and shall not apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act to investigate and prosecute war crimes committed in a specific country or during a specific conflict; and

(2) shall not prohibit—

(A) any action permitted under section 9006; or

(B) communication by the United States of its policy with respect to a matter.

(b) **PROHIBITION ON RESPONDING TO REQUESTS FOR COOPERATION.**—Notwithstanding section 1782 of title 28, United States Code, or any other provision of law, no United States Court, and no agency or entity of any State or local government, including any court, may cooperate with the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to the Rome Statute.

(c) **PROHIBITION ON TRANSMITTAL OF LETTERS ROGATORY FROM THE INTERNATIONAL CRIMINAL COURT.**—Notwithstanding section 1781 of title 28, United States Code, or any other provision of law, no agency of the United States Government may transmit for execution any letter rogatory issued, or other request for cooperation made, by the International Criminal Court to the tribunal, officer, or agency in the United States to whom it is addressed.

(d) **PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.**—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government may extradite any person from the United States to the International Criminal Court, nor support the transfer of any United States citizen or permanent resident alien to the International Criminal Court.

(e) **PROHIBITION ON PROVISION OF SUPPORT TO THE INTERNATIONAL CRIMINAL COURT.**—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government, including any court, may provide support to the International Criminal Court.

(f) **PROHIBITION ON USE OF APPROPRIATED FUNDS TO ASSIST THE INTERNATIONAL CRIMINAL COURT.**—Notwithstanding any other provision of law, no funds appropriated under any provision of law may be used for the purpose of assisting the investigation, arrest, detention, extradition, or prosecution of any United States citizen or permanent resident alien by the International Criminal Court.

(g) **RESTRICTION ON ASSISTANCE PURSUANT TO MUTUAL LEGAL ASSISTANCE TREATIES.**—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(h) **PROHIBITION ON INVESTIGATIVE ACTIVITIES OF AGENTS.**—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction

of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

SEC. 9005. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CLASSIFIED NATIONAL SECURITY INFORMATION AND LAW ENFORCEMENT INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.

(a) **IN GENERAL.**—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information and law enforcement information to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(b) **INDIRECT TRANSFER.**—The procedures adopted pursuant to subsection (a) shall be designed to prevent the transfer to the United Nations and to the government of any country that is party to the International Criminal Court of classified national security information and law enforcement information that specifically relates to matters known to be under investigation or prosecution by the International Criminal Court, except to the degree that satisfactory assurances are received from the United Nations or that government, as the case may be, that such information will not be made available to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(c) **CONSTRUCTION.**—The provisions of this section shall not be construed to prohibit any action permitted under section 9006.

SEC. 9006. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS DETAINED OR IMPRISONED BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

(a) **AUTHORITY.**—The President is authorized to use all means necessary and appropriate to bring about the release of any person described in subsection (b) who is being detained or imprisoned by, on behalf of, or at the request of the International Criminal Court.

(b) **PERSONS AUTHORIZED TO BE FREED.**—The authority of subsection (a) shall extend to the following persons:

(1) Covered United States persons.

(2) Covered allied persons.

(3) Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) **AUTHORIZATION OF LEGAL ASSISTANCE.**—When any person described in subsection (b) is arrested, detained, investigated, prosecuted, or imprisoned by, on behalf of, or at the request of the International Criminal Court, the President is authorized to direct any agency of the United States Government to provide—

(1) legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, representation and other assistance in the manner provided in that section);

(2) exculpatory evidence on behalf of that person; and

(3) defense of the interests of the United States through appearance before the International Criminal Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.

(d) **BRIBES AND OTHER INDUCEMENTS NOT AUTHORIZED.**—This section does not authorize the payment of bribes or the provision of other such incentives to induce the release of a person described in subsection (b).

SEC. 9007. ALLIANCE COMMAND ARRANGEMENTS.

(a) **REPORT ON ALLIANCE COMMAND ARRANGEMENTS.**—Not later than 6 months after the date of the enactment of this Act, the President

should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(2) evaluating the degree to which members of the Armed Forces of the United States engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court.

(b) **DESCRIPTION OF MEASURES TO ACHIEVE ENHANCED PROTECTION FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.**—Not later than one year after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be made in order to reduce any risks to members of the Armed Forces of the United States identified pursuant to subsection (a)(2).

(c) **SUBMISSION IN CLASSIFIED FORM.**—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 9008. WITHHOLDINGS.

Funds withheld from the United States share of assessments to the United Nations or any other international organization during any fiscal year pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106-113; 113 Stat. 1501A-460), are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

SEC. 9009. APPLICATION OF SECTIONS 9004 AND 9005 TO EXERCISE OF CONSTITUTIONAL AUTHORITIES.

(a) **IN GENERAL.**—Sections 9004 and 9005 shall not apply to any action or actions with respect to a specific matter involving the International Criminal Court taken or directed by the President on a case-by-case basis in the exercise of the President's authority as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution or in the exercise of the executive power under article II, section 1 of the United States Constitution.

(b) **NOTIFICATION TO CONGRESS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), not later than 15 days after the President takes or directs an action or actions described in subsection (a) that would otherwise be prohibited under section 9004 or 9005, the President shall submit a notification of such action to the appropriate congressional committees. A notification under this paragraph shall include a description of the action, a determination that the action is in the national interest of the United States, and a justification for the action.

(2) **EXCEPTION.**—If the President determines that a full notification under paragraph (1) could jeopardize the national security of the United States or compromise a United States law enforcement activity, not later than 15 days after the President takes or directs an action or actions referred to in paragraph (1) the President shall notify the appropriate congressional committees that an action has been taken and a determination has been made pursuant to this paragraph. The President shall provide a full

notification under paragraph (1) not later than 15 days after the reasons for the determination under this paragraph no longer apply.

(c) **CONSTRUCTION.**—Nothing in this section shall be construed as a grant of statutory authority to the President to take any action.

SEC. 9010. NONDELEGATION.

The authorities vested in the President by sections 9003 and 9009(a) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law.

SEC. 9011. DEFINITIONS.

As used in this title and in section 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:

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

(2) **CLASSIFIED NATIONAL SECURITY INFORMATION.**—The term “classified national security information” means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

(3) **COVERED ALLIED PERSONS.**—The term “covered allied persons” means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

(4) **COVERED UNITED STATES PERSONS.**—The term “covered United States persons” means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, and other persons employed by or working on behalf of the United States Government, for so long as the United States is not a party to the International Criminal Court.

(5) **EXTRADITION.**—The terms “extradition” and “extradite” mean the extradition of a person in accordance with the provisions of chapter 209 of title 18, United States Code, (including section 3181(b) of such title) and such terms include both extradition and surrender as those terms are defined in Article 102 of the Rome Statute.

(6) **INTERNATIONAL CRIMINAL COURT.**—The term “International Criminal Court” means the court established by the Rome Statute.

(7) **MAJOR NON-NATO ALLY.**—The term “major non-NATO ally” means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(8) **PARTICIPATE IN ANY PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.**—The term “participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations” means to assign members of the Armed Forces of the United States to a United Nations military command structure as part of a peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations in which those members of the Armed Forces of the United States are subject to the command or operational control of one or more foreign military officers not appointed in conformity with article II, section 2, clause 2 of the Constitution of the United States.

(9) **PARTY TO THE INTERNATIONAL CRIMINAL COURT.**—The term “party to the International

Criminal Court” means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(10) **PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.**—The term “peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations” means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.

(11) **ROME STATUTE.**—The term “Rome Statute” means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(12) **SUPPORT.**—The term “support” means assistance of any kind, including financial support, transfer of property or other material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(13) **UNITED STATES MILITARY ASSISTANCE.**—The term “United States military assistance” means—

(A) assistance provided under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees, under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

SEC. 9012. PERIOD OF EFFECTIVENESS OF THE TITLE.

Except as otherwise provided in this title, the provisions of this title shall take effect on the date of enactment of this Act and remain in effect without regard to the expiration of fiscal year 2002.

This division may be cited as the “Department of Defense Appropriations Act, 2002”.

DIVISION B—TRANSFERS FROM THE EMERGENCY RESPONSE FUND PURSUANT TO PUBLIC LAW 107-38

The funds appropriated in Public Law 107-38 subject to subsequent enactment and previously designated as an emergency by the President and Congress under the Balanced Budget and Emergency Deficit Control Act of 1985, are transferred to the following chapters and accounts as follows:

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Office of the Secretary”, \$80,919,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Salaries and Expenses”, \$70,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

BUILDINGS AND FACILITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United

States, for “Buildings and Facilities”, \$73,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Research and Education”, \$50,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Salaries and Expenses”, \$95,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38, of which \$50,000,000 may be transferred and merged with the Agriculture Quarantine Inspection User Fee Account.

BUILDINGS AND FACILITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Buildings and Facilities”, \$14,081,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

FOOD SAFETY AND INSPECTION SERVICE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Food Safety and Inspection Service”, \$15,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

FOOD AND NUTRITION SERVICE

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

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)”, \$39,000,000, to remain available until September 30, 2003, to be obligated from amounts made available in Public Law 107-38: Provided, That of the amounts provided in this Act and any amounts available for reallocation in fiscal year 2002, the Secretary shall reallocate funds under section 17(g)(2) of the Child Nutrition Act of 1966, as amended, in the manner and under the formula the Secretary deems necessary to respond to the effects of unemployment and other conditions caused by the recession, and starting no later than March 1, 2002, such reallocation shall occur no less frequently than every other month throughout the fiscal year.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Salaries and Expenses”, \$127,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

RELATED AGENCY

COMMODITY FUTURES TRADING COMMISSION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Commodity Futures Trading Commission”, \$10,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

GENERAL PROVISION, THIS CHAPTER

SEC. 101. Section 741(b) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (P.L. 107-76), is amended by striking “20,000,000 pounds” and inserting “5,000,000 pounds”.

CHAPTER 2
DEPARTMENT OF JUSTICE
GENERAL ADMINISTRATION
PATRIOT ACT ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Patriot Act Activities", \$25,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38, of which \$2,000,000 shall be for a feasibility report, as authorized by Section 405 of Public Law 107-56, and of which \$23,000,000 shall be for implementation of such enhancements as are deemed necessary: Provided, That funding for the implementation of such enhancements shall be treated as a reprogramming under section 605 of Public Law 107-77 and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE REVIEW AND APPEALS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Administrative Review and Appeals", \$3,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses, General Legal Activities", \$21,250,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38, of which \$15,000,000 shall be for a cyber security initiative.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses, United States Attorneys", \$74,600,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses, United States Marshals Service", \$26,100,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38, of which \$9,125,000 shall be for courthouse security equipment.

CONSTRUCTION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Construction", \$35,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$654,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38, of which \$10,283,000 is for the refurbishing of the Engineering and Research Facility and \$14,135,000 is for the decommissioning and renovation of former laboratory space in the Hoover building, of which \$66,000,000 shall be for a cyber security initiative at the National Infrastructure Protection Center.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States and for all costs associated with the reorganization of the Immigration and Naturaliza-

tion Service, for "Salaries and Expenses", \$449,800,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38, of which \$10,000,000 shall be for additional border patrols along the Southwest border, of which \$55,800,000 shall be for additional inspectors and support staff on the northern border, and of which \$23,900,000 shall be for transfer of and additional border patrols and support staff on the northern border.

CONSTRUCTION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Construction", \$99,600,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Justice Assistance", \$400,000,000, to remain available until expended, for grants, cooperative agreements, and other assistance authorized by sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996 and section 1014 of the USA PATRIOT ACT (Public Law 107-56) and for other counterterrorism programs, to be obligated from amounts made available in Public Law 107-38, of which \$9,800,000 is for an aircraft for counterterrorism and other required activities for the City of New York.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, \$245,900,000 shall be for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, of which \$81,700,000 shall be for Northern Virginia, of which \$81,700,000 shall be for New Jersey, of which \$56,500,000 shall be for Maryland, of which \$17,000,000 shall be for a grant for the Utah Olympic Public Safety Command for security equipment and infrastructure related to the 2002 Winter Olympics, including the Paralympics and related events, and of which \$9,000,000 shall be made available for discretionary grants to State and local law enforcement agencies to establish or enhance cybercrime units aimed at investigating and prosecuting cybersecurity offenses, to remain available until expended, and to be obligated from amounts made available in Public Law 107-38.

CRIME VICTIMS FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Crime Victims Fund", \$68,100,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operations and Administration", \$1,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operations and Administration", \$1,756,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

ECONOMIC DEVELOPMENT ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$335,000, to

remain available until expended, to be obligated from amounts made available in Public Law 107-38.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For emergency grants authorized by section 392 of the Communications Act of 1934, as amended, to respond to the September 11, 2001, terrorist attacks on the United States, \$8,250,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$3,360,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Scientific and Technical Research and Services", \$10,400,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38, of which \$10,000,000 shall be for a cyber security initiative.

CONSTRUCTION OF RESEARCH FACILITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Construction of Research Facilities", \$1,225,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH AND FACILITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operations, Research and Facilities", \$2,750,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$881,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

CARE OF THE BUILDINGS AND GROUNDS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Care of the Buildings and Grounds", \$30,000,000, to remain available until expended for security enhancements, to be obligated from amounts made available in Public Law 107-38.

COURT OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$5,000,000, is for Emergency Communications Equipment, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

COURT SECURITY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Court Security", \$57,521,000, to remain available until expended, to be obligated

from amounts made available in Public Law 107-38, for security of the Federal judiciary, of which not less than \$4,000,000 shall be available to reimburse the United States Marshals Service for a Supervisory Deputy Marshal responsible for coordinating security in each judicial district and circuit: Provided, That the funds may be expended directly or transferred to the United States Marshals Service.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$2,879,000, to remain available until expended, to enhance security at the Thurgood Marshall Federal Judiciary Building, to be obligated from amounts made available in Public Law 107-38.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATIONS AND TRAINING

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operations and Training", \$11,000,000, for a port security program, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, \$12,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$1,301,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$20,705,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

For emergency expenses for disaster recovery activities and assistance related to the terrorist acts in New York, Virginia and Pennsylvania on September 11, 2001, for "Business Loans Program Account", \$75,000,000, for the cost of loan subsidies and for loan modifications as authorized by section 202 of this Act, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

DISASTER LOANS PROGRAM ACCOUNT

For emergency expenses for disaster recovery activities and assistance related to the terrorist acts in New York, Virginia and Pennsylvania on September 11, 2001, for "Disaster Loans Program Account", \$75,000,000, for the cost of loan subsidies and for loan modifications as authorized by section 201 of this Act, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 201. For purposes of assistance available under section 7(b)(2) and (4) of the Small Business Act (15 U.S.C. 636(b)(2) and (4)) to small

business concerns located in disaster areas declared as a result of the September 11, 2001, terrorist attacks—

(i) the term "small business concern" shall include not-for-profit institutions and small business concerns described in United States Industry Codes 522320, 522390, 523210, 523920, 523991, 524113, 524114, 524126, 524128, 524210, 524291, 524292, and 524298 of the North American Industry Classification System (as described in 13 C.F.R. 121.201, as in effect on January 2, 2001);

(ii) the Administrator may apply such size standards as may be promulgated under such section 121.201 after the date of enactment of this provision, but no later than one year following the date of enactment of this Act; and

(iii) payments of interest and principal shall be deferred, and no interest shall accrue during the two-year period following the issuance of such disaster loan.

SEC. 202. Notwithstanding any other provision of law, the limitation on the total amount of loans under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) outstanding and committed to a borrower in the disaster areas declared in response to the September 11, 2001, terrorist attacks shall be increased to \$10,000,000 and the Administrator shall, in lieu of the fee collected under section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)), collect an annual fee of 0.25 percent of the outstanding balance of deferred participation loans made under section 7(a) to small businesses adversely affected by the September 11, 2001, terrorist attacks and their aftermath, for a period of one year following the date of enactment and to the extent the costs of such reduced fees are offset by appropriations provided by this Act.

SEC. 203. Not later than April 1, 2002, the Secretary of State shall submit to the Committees on Appropriations, in both classified and unclassified form, a report on the United States-People's Republic of China Science and Technology Agreement of 1979, including all protocols. The report is intended to provide a comprehensive evaluation of the benefits of the agreement to the Chinese economy, military, and defense industrial base. The report shall include the following elements:

(1) an accounting of all activities conducted under the Agreement for the past five years, and a projection of activities to be undertaken through 2010;

(2) an estimate of the annual cost to the United States to administer the Agreement;

(3) an assessment of how the Agreement has influenced the policies of the People's Republic of China toward scientific and technological cooperation with the United States;

(4) an analysis of the involvement of Chinese nuclear weapons and military missile specialists in the activities of the Joint Commission;

(5) a determination of the extent to which the activities conducted under the Agreement have enhanced the military and industrial base of the People's Republic of China, and an assessment of the impact of projected activities through 2010, including transfers of technology, on China's economic and military capabilities; and

(6) recommendations on improving the monitoring of the activities of the Commission by the Secretaries of Defense and State.

The report shall be developed in consultation with the Secretaries of Commerce, Defense, and Energy, the Directors of the National Science Foundation and the Federal Bureau of Investigation, and the intelligence community.

SEC. 204. From within funds available to the State of Alaska or the Alaska Region of the National Marine Fisheries Service, an additional \$500,000 may be made available for the cost of guaranteeing the reduction loan authorized under section 144(d)(4)(A) of title I, division B of Public Law 106-554 (114 Stat. 2763A-242) and that subparagraph is amended to read as follows: "(4)(A) The fishing capacity reduction program required under this subsection is authorized to be financed through a reduction

loan of \$100,000,000 under sections 1111 and 1112 of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f and 1279g)."

SMALL BUSINESS ADMINISTRATION

DISASTER LOAN PROGRAM ACCOUNT

SEC. 205. Of the amount made available under this heading in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107-77), for administrative expenses to carry out the direct loan program, \$5,000,000 shall be made available for necessary expenses of the HUBZone program as authorized by section 31 of the Small Business Act, as amended (15 U.S.C. 657a), of which, not more than \$500,000 may be used for the maintenance and operation of the Procurement Marketing and Access Network (PRO-Net). The Administrator of the Small Business Administration shall make quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives regarding all actions taken by the Small Business Administration to address the deficiencies in the HUBZone program, as identified by the General Accounting Office in report number GAO-02-57 of October 26, 2001.

CHAPTER 3

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

DEFENSE EMERGENCY RESPONSE FUND

For emergency expenses to respond to the September 11, 2001 terrorist attacks on the United States, for "Defense Emergency Response Fund", \$1,525,000,000, to remain available until expended, to be obligated from amounts made available by Public Law 107-38: Provided, That \$20,000,000 shall be made available for the National Infrastructure Simulation and Analysis Center (NISAC): Provided further, That \$500,000 shall be made available only for the White House Commission on the National Moment of Remembrance: Provided further, That—

(1) \$35,000,000 shall be available for the procurement of the Advance Identification Friend-or-Foe system for integration into F-16 aircraft of the Air National Guard that are being used in continuous air patrols over Washington, District of Columbia, and New York, New York; and

(2) \$20,000,000 shall be available for the procurement of the Transportation Multi-Platform Gateway for integration into the AWACS aircraft that are being used to perform early warning surveillance over the United States.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 301. Amounts available in the "Defense Emergency Response Fund" shall be available for the purposes set forth in the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107-38): Provided, That the Fund may be used to reimburse other appropriations or funds of the Department of Defense only for costs incurred for such purposes between September 11 and December 31, 2001: Provided further, That such Fund may be used to liquidate obligations incurred by the Department under the authorities in 41 U.S.C. 11 for any costs incurred for such purposes between September 11 and September 30, 2001: Provided further, That the Secretary of Defense may transfer funds from the Fund to the appropriation, "Support for International Sporting Competitions, Defense", to be merged with, and available for the same time period and for the same purposes as that appropriation: Provided further, That the transfer authority provided by this section is in addition to any other transfer authority available to the Secretary of Defense: Provided further, That the Secretary of Defense shall report to the Congress quarterly all transfers made pursuant to this authority.

SEC. 302. Amounts in the "Support for International Sporting Competitions, Defense", may

be used to support essential security and safety for the 2002 Winter Olympic Games in Salt Lake City, Utah, without the certification required under subsection 10 U.S.C. 2564(a). Further, the term "active duty", in section 5802 of Public Law 104-208 shall include State active duty and full-time National Guard duty performed by members of the Army National Guard and Air National Guard in connection with providing essential security and safety support to the 2002 Winter Olympic Games and logistical and security support to the 2002 Paralympic Games.

SEC. 303. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

CHAPTER 4

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR PROTECTIVE CLOTHING AND BREATHING APPARATUS

For a Federal payment to the District of Columbia for protective clothing and breathing apparatus, to be obligated from amounts made available in Public Law 107-38 and to remain available until September 30, 2003, \$7,144,000, of which \$922,000 is for the Fire and Emergency Medical Services Department, \$4,269,000 is for the Metropolitan Police Department, \$1,500,000 is for the Department of Health, and \$453,000 is for the Department of Public Works.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR SPECIALIZED HAZARDOUS MATERIALS EQUIPMENT

For a Federal payment to the District of Columbia for specialized hazardous materials equipment, to be obligated from amounts made available in Public Law 107-38 and to remain available until September 30, 2003, \$1,032,000, for the Fire and Emergency Medical Services Department.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR CHEMICAL AND BIOLOGICAL WEAPONS PREPAREDNESS

For a Federal payment to the District of Columbia for chemical and biological weapons preparedness, to be obligated from amounts made available in Public Law 107-38 and to remain available until September 30, 2003, \$10,355,000, of which \$205,000 is for the Fire and Emergency Medical Services Department, \$258,000 is for the Metropolitan Police Department, and \$9,892,000 is for the Department of Health.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR PHARMACEUTICALS FOR RESPONDERS

For a Federal payment to the District of Columbia for pharmaceuticals for responders, to be obligated from amounts made available in Public Law 107-38 and to remain available until September 30, 2003, \$2,100,000, for the Department of Health.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR RESPONSE AND COMMUNICATIONS CAPABILITY

For a Federal payment to the District of Columbia for response and communications capability, to be obligated from amounts made available in Public Law 107-38 and to remain available until September 30, 2003, \$14,960,000, of which \$7,755,000 is for the Fire and Emergency Medical Services Department, \$5,855,000 is for the Metropolitan Police Department, \$113,000 is for the Department of Public Works Division of Transportation, \$58,000 is for the Office of Property Management, \$60,000 is for the Department of Public Works, \$750,000 is for the Department of Health, \$309,000 is for the Department of Human Services, and \$60,000 is for the Department of Parks and Recreation.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR SEARCH, RESCUE AND OTHER EMERGENCY EQUIPMENT AND SUPPORT

For a Federal payment to the District of Columbia, to be obligated from amounts made available in Public Law 107-38 and to remain available until September 30, 2003, for search, rescue and other emergency equipment and support, \$8,850,000, of which \$5,442,000 is for the Metropolitan Police Department, \$208,000 is for the Fire and Emergency Medical Services Department, \$398,500 is for the Department of Consumer and Regulatory Affairs, \$1,178,500 is for the Department of Public Works, \$542,000 is for the Department of Human Services, and \$1,081,000 is for the Department of Mental Health.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR EQUIPMENT, SUPPLIES AND VEHICLES FOR THE OFFICE OF THE CHIEF MEDICAL EXAMINER

For a Federal payment to the District of Columbia, to be obligated from amounts made available in Public Law 107-38 and to remain available until September 30, 2003, for equipment, supplies and vehicles for the Office of the Chief Medical Examiner, \$1,780,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR HOSPITAL CONTAINMENT FACILITIES FOR THE DEPARTMENT OF HEALTH

For a Federal payment to the District of Columbia, to be obligated from amounts made available in Public Law 107-38 and to remain available until September 30, 2003, for hospital containment facilities for the Department of Health, \$8,000,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR THE OFFICE OF THE CHIEF TECHNOLOGY OFFICER

For a Federal payment to the District of Columbia, to be obligated from amounts made available in Public Law 107-38 and to remain available until September 30, 2003, for the Office of the Chief Technology Officer, \$43,994,000, for a first response land-line and wireless interoperability project, of which \$1,000,000 shall be used to initiate a comprehensive review, by a non-vendor contractor, of the District's current technology-based systems and to develop a plan for integrating the communications systems of the District of Columbia Metropolitan Police and Fire and Emergency Medical Services Departments with the systems of regional and federal law enforcement agencies, including but not limited to the United States Capitol Police, United States Park Police, United States Secret Service, Federal Bureau of Investigation, Federal Protective Service, and the Washington Metropolitan Area Transit Authority Police: Provided, That such plan shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than June 15, 2002.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR EMERGENCY TRAFFIC MANAGEMENT

For a Federal payment to the District of Columbia, to be obligated from amounts made available in Public Law 107-38 and to remain available until September 30, 2003, for emergency traffic management, \$20,700,000, for the Department of Public Works Division of Transportation, of which \$14,000,000 is to upgrade traffic light controllers, \$4,700,000 is to establish a video traffic monitoring system, and \$2,000,000 is to disseminate traffic information.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR TRAINING AND PLANNING

For a Federal payment to the District of Columbia, to be obligated from amounts made available in Public Law 107-38 and to remain available until September 30, 2003, for training and planning, \$11,449,000, of which \$4,400,000 is for the Fire and Emergency Medical Services Department, \$990,000 is for the Metropolitan Police Department, \$1,200,000 is for the Department

of Health, \$200,000 is for the Office of the Chief Medical Examiner, \$1,500,000 is for the Emergency Management Agency, \$500,000 is for the Office of Property Management, \$500,000 is for the Department of Mental Health, \$469,000 is for the Department of Consumer and Regulatory Affairs, \$240,000 is for the Department of Public Works, \$600,000 is for the Department of Human Services, \$100,000 is for the Department of Parks and Recreation, \$750,000 is for the Division of Transportation.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR INCREASED SECURITY

For a Federal payment to the District of Columbia, to be obligated from amounts made available in Public Law 107-38 and to remain available until September 30, 2003, for increased facility security, \$25,536,000, of which \$3,900,000 is for the Emergency Management Agency, \$14,575,000 for the public schools, and \$7,061,000 for the Office of Property Management.

FEDERAL PAYMENT TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For a Federal payment to the Washington Metropolitan Area Transit Authority to meet region-wide security requirements, a contribution of \$39,100,000, to be obligated from amounts made available in Public Law 107-38 and to remain available until September 30, 2003, of which \$5,000,000 shall be used for protective clothing and breathing apparatus, \$17,200,000 shall be for completion of the fiber optic network project and an automatic vehicle locator system, and \$16,900,000 shall be for increased employee and facility security.

FEDERAL PAYMENT TO THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

For a Federal payment to the Metropolitan Washington Council of Governments to enhance regional emergency preparedness, coordination and response, \$5,000,000, to be obligated from amounts made available in Public Law 107-38 and to remain available until September 30, 2003, of which \$1,500,000 shall be used to contribute to the development of a comprehensive regional emergency preparedness, coordination and response plan, \$500,000 shall be used to develop a critical infrastructure threat assessment model, \$500,000 shall be used to develop and implement a regional communications plan, and \$2,500,000 shall be used to develop protocols and procedures for training and outreach exercises.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 401. Notwithstanding any other provision of law, the Chief Financial Officer of the District of Columbia may transfer up to 5 percent of the funds appropriated to the District of Columbia in this chapter between these accounts: Provided, That no such transfer shall take place unless the Chief Financial Officer of the District of Columbia notifies in writing the Committees on Appropriations of the Senate and the House of Representatives 30 days in advance of such transfer.

SEC. 402. The Chief Financial Officer of the District of Columbia and the Chief Financial Officer of the Washington Metropolitan Area Transit Authority shall provide quarterly reports to the President and the Committees on Appropriations of the Senate and the House of Representatives on the use of the funds under this chapter beginning no later than March 15, 2002.

CHAPTER 5

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE, GENERAL

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operation and Maintenance, General", \$139,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Water and Related Resources", \$30,259,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES
NATIONAL NUCLEAR SECURITY ADMINISTRATION
WEAPONS ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses to increase the security of the Nation's nuclear weapons complex, for "Weapons Activities", \$131,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

DEFENSE NUCLEAR NONPROLIFERATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses to improve nuclear nonproliferation and verification research and development (including research and development with respect to radiological dispersion devices, also known as "dirty bombs"), for "Defense Nuclear Nonproliferation", \$226,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

OTHER DEFENSE RELATED ACTIVITIES

OTHER DEFENSE ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses necessary to support activities related to countering potential biological threats to civilian populations, for "Other Defense Activities", \$3,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

DEFENSE ENVIRONMENTAL RESTORATION AND
WASTE MANAGEMENT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Defense Environmental Restoration and Waste Management", \$8,200,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

INDEPENDENT AGENCY

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses to increase the security of the Nation's nuclear power plants, for "Salaries and Expenses", \$36,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38: Provided, That the funds appropriated herein shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 501. Of the funds provided in this or any other Act for "Defense Environmental Restoration and Waste Management" at the Department of Energy, up to \$500,000 may be available to the Secretary of Energy for safety improvements to roads along the shipping route to the Waste Isolation Pilot Plant site.

SEC. 502. NUTWOOD LEVEE, ILLINOIS. The Energy and Water Development Appropriations Act, 2002 (Public Law 107-66) is amended under the heading "Title I, Department of Defense-Civil, Department of the Army, Corps of Engineers-Civil, Construction, General" by inserting after "\$3,500,000" but before the "." "": Provided further, That using \$400,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, may initiate construction on the Nutwood Levee, Illinois project".

SEC. 503. Title III of the Energy and Water Development Appropriations Act, 2002 (Public Law 107-66) is amended by adding at the end the following new section:

"SEC. 313. (a) INCREASE IN AMOUNT AVAILABLE FOR ELECTRIC ENERGY SYSTEMS AND STORAGE PROGRAM.—The amount appropriated by this title under the heading 'DEPARTMENT OF ENERGY' under the heading 'ENERGY PROGRAMS' under the paragraph 'ENERGY SUPPLY' is hereby increased by \$14,000,000, with the amount of the increase to be available under that paragraph for the electric energy systems and storage program.

"(b) DECREASE IN AMOUNT AVAILABLE FOR DEPARTMENT OF ENERGY GENERALLY.—The amount appropriated by this title under the heading 'DEPARTMENT OF ENERGY' (other than under the heading 'NATIONAL NUCLEAR SECURITY ADMINISTRATION' or under the heading 'ENERGY PROGRAMS' under the paragraph 'ENERGY SUPPLY') is hereby decreased by \$14,000,000, with the amount of the decrease to be distributed among amounts available under the heading 'DEPARTMENT OF ENERGY' in a manner determined by the Secretary of Energy and approved by the Committees on Appropriations."

SEC. 504. The Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is amended as follows:

(1) by inserting in Section 4(c) after "2000," and before "costs" the following: "and the additional \$32,000,000 further authorized to be appropriated by amendments to the Act in 2001,"; and

(2) by inserting in Section 5 after "levels," and before "plus" the following: "and, effective October 1, 2001, not to exceed an additional \$32,000,000 (October 1, 2001, price levels),";

CHAPTER 6

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operation of the National Park System", \$10,098,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

UNITED STATES PARK POLICE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "United States Park Police", \$25,295,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

CONSTRUCTION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Construction", \$21,624,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

DEPARTMENTAL OFFICES

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$2,205,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38, for the working capital fund of the Department of the Interior.

RELATED AGENCIES

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$21,707,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United

States, for "Salaries and Expenses", \$2,148,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

JOHN F. KENNEDY CENTER FOR THE PERFORMING
ARTS

OPERATIONS AND MAINTENANCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operations and Maintenance", \$4,310,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$758,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 601. (a) IN GENERAL.—The Secretary of the Smithsonian Institution may collect and preserve in the National Museum of American History artifacts relating to the September 11th attacks on the World Trade Center and the Pentagon.

(b) TYPES OF ARTIFACTS.—In carrying out subsection (a), the Secretary of the Smithsonian Institution shall consider collecting and preserving—

(1) pieces of the World Trade Center and the Pentagon;

(2) still and video images made by private individuals and the media;

(3) personal narratives of survivors, rescuers, and government officials; and

(4) other artifacts, recordings, and testimonials that the Secretary of the Smithsonian Institution determines have lasting historical significance.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Smithsonian Institution \$5,000,000 to carry out this section.

Sec. 602. Section 29 of Public Law 92-203, as enacted under section 4 of Public Law 94-204 (43 U.S.C. 1626), is amended by adding at the end of subsection (e) the following:

"(4)(A) Congress confirms that Federal procurement programs for tribes and Alaska Native Corporations are enacted pursuant to its authority under Article I, Section 8 of the United States Constitution.

"(B) Contracting with an entity defined in subsection (e)(2) of this section or section 3(c) of Public Law 93-262 shall be credited towards the satisfaction of a contractor's obligations under section 7 of Public Law 87-305.

"(C) Any entity that satisfies subsection (e)(2) of this section that has been certified under section 8 of Public Law 85-536 is a Disadvantaged Business Enterprise for the purposes of Public Law 105-178."

SEC. 603. (a) GENERAL TRUSTEES.—

(1) IN GENERAL.—Subsection (a) of section 2 of the John F. Kennedy Center Act (20 U.S.C. 76h) is amended in its last clause by striking out the word "thirty" and inserting in lieu thereof the word "thirty-six".

(2) TERMS OF OFFICE FOR NEW GENERAL TRUSTEES.—

(A) INITIAL TERMS OF OFFICE.—

(i) COMMENCEMENTS OF INITIAL TERM.—The initial terms of office for all new general trustee offices created by this section shall commence upon appointment by the President.

(ii) EXPIRATIONS OF INITIAL TERM.—The initial terms of office for all new general trustee offices created by this section shall continue until September 1, 2007.

(iii) VACANCIES AND SERVICE UNTIL THE APPOINTMENT OF A SUCCESSOR.—For all new general trustee offices created by this section, subsections (b)(1) and (b)(2) of section 2 of the John

F. Kennedy Center Act (20 U.S.C. 76h) shall apply.

(B) **SUCCEEDING TERMS OF OFFICE.**—Upon the expirations of the initial terms of office pursuant to subparagraph (A) the terms of office for all new general trustee offices created by this section shall be governed by subsection (b) of section 2 of the John F. Kennedy Center Act (20 U.S.C. 76h).

(b) **EX OFFICIO TRUSTEES.**—Subsection (a) of section 2 of the John F. Kennedy Center Act (20 U.S.C. 76h) is further amended by inserting in the second sentence “the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives,” after “the Secretary of the Smithsonian Institution.”.

(c) **HOUSEKEEPING AMENDMENT.**—To conform with the previous abolition of the United States Information Agency and the transfer of all functions of the Director of the United States Information Agency to the Secretary of State (sections 1311 and 1312 of Public Law 105–277, 112 Stat. 2681–776), subsection (a) of section 2 of the John F. Kennedy Center Act (20 U.S.C. 76h) is further amended by striking in the second sentence “the Director of the United States Information Agency,” and inserting in lieu thereof “the Secretary of State.”.

CHAPTER 7

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for “Training and employment services”, \$32,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: Provided, That such amount shall be provided to the Consortium for Worker Education, established by the New York City Central Labor Council and the New York City Partnership, for an Emergency Employment Clearinghouse.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “State Unemployment Insurance and Employment Service Operations”, \$4,100,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

WORKERS COMPENSATION PROGRAMS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Workers Compensation Programs”, \$175,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: Provided, That, of such amount, \$125,000,000 shall be for payment to the New York State Workers Compensation Review Board, for the processing of claims related to the terrorist attacks: Provided further, That, of such amount, \$25,000,000 shall be for payment to the New York State Uninsured Employers Fund, for reimbursement of claims related to the terrorist attacks: Provided further, That, of such amount, \$25,000,000 shall be for payment to the New York State Uninsured Employers Fund, for reimbursement of claims related to the first response emergency services personnel who were injured, were disabled, or died due to the terrorist attacks.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Salaries and Expenses”, \$1,600,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Salaries and Expenses”, \$1,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Salaries and Expenses”, \$5,880,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for “Disease control, research, and training” for baseline safety screening for the emergency services personnel and rescue and recovery personnel, \$12,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for “National Institute of Environmental Health Sciences” for carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, \$10,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, to provide grants to public entities, not-for-profit entities, and Medicare and Medicaid enrolled suppliers and institutional providers to reimburse for health care related expenses or lost revenues directly attributable to the public health emergency resulting from the September 11, 2001, terrorist acts, for “Public Health and Social Services Emergency Fund”, \$140,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: Provided, That none of the costs have been reimbursed or are eligible for reimbursement from other sources.

For emergency expenses necessary to support activities related to countering potential biological, disease, and chemical threats to civilian populations, for “Public Health and Social Services Emergency Fund”, \$2,575,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38. Of this amount, \$1,000,000,000 shall be for the Centers for Disease Control and Prevention for improving State and local capacity; \$100,000,000 shall be for grants to hospitals, in collaboration with local governments, to improve capacity to respond to bioterrorism; \$165,000,000 shall be for upgrading capacity at the Centers for Disease Control and Prevention, including research; \$10,000,000 shall be for the establishment and operation of a national system to track biological pathogens; \$99,000,000 shall be for the National Institute of Allergy and Infectious Diseases for bioterrorism-related research and development and other related needs; \$71,000,000 shall be for the National Institute of Allergy and Infectious Diseases for the construction of biosafety laboratories and related infrastructure costs; \$593,000,000 shall be for the

National Pharmaceutical Stockpile; \$512,000,000 shall be for the purchase, deployment and related costs of the smallpox vaccine, and \$25,000,000 shall be for improving laboratory security at the National Institutes of Health and the Centers for Disease Control and Prevention. At the discretion of the Secretary, these amounts may be transferred between categories subject to normal reprogramming procedures.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “School Improvement Programs”, for the Project School Emergency Response to Violence program, \$10,000,000, to be obligated from amounts made available in Public Law 107–38.

RELATED AGENCIES

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Limitation on Administrative Expenses”, \$7,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Salaries and Expenses”, \$180,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CHAPTER 8

LEGISLATIVE BRANCH

JOINT ITEMS

LEGISLATIVE BRANCH EMERGENCY RESPONSE FUND (INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the terrorist attacks on the United States, \$256,081,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: Provided, That \$34,500,000 shall be transferred to the “SENATE”, “Sergeant at Arms and Doorkeeper of the Senate” and shall be obligated with the prior approval of the Senate Committee on Appropriations: Provided further, That \$40,712,000 shall be transferred to “HOUSE OF REPRESENTATIVES”, “Salaries and Expenses” and shall be obligated with the prior approval of the House Committee on Appropriations: Provided further, That the remaining balance of \$180,869,000 shall be transferred to the Capitol Police Board, which shall transfer to the affected entities in the Legislative Branch such amounts as are approved by the House and Senate Committees on Appropriations: Provided further, That any Legislative Branch entity receiving funds pursuant to the Emergency Response Fund established by Public Law 107–38 (without regard to whether the funds are provided under this chapter or pursuant to any other provision of law) may transfer any funds provided to the entity to any other Legislative Branch entity receiving funds under Public Law 107–38 in an amount equal to that required to provide support for security enhancements, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

SENATE

ADMINISTRATIVE PROVISIONS

SEC. 801. (a) **ACQUISITION OF BUILDINGS AND FACILITIES.**—Notwithstanding any other provision of law, in order to respond to an emergency situation, the Sergeant at Arms of the Senate may acquire buildings and facilities, subject to the availability of appropriations, for the use of the Senate, as appropriate, by lease, purchase, or such other arrangement as the Sergeant at

Arms of the Senate considers appropriate (including a memorandum of understanding with the head of an Executive Agency, as defined in section 105 of title 5, United States Code, in the case of a building or facility under the control of such Agency). Actions taken by the Sergeant at Arms of the Senate must be approved by the Committees on Appropriations and Rules and Administration.

(b) AGREEMENTS.—Notwithstanding any other provision of law, for purposes of carrying out subsection (a), the Sergeant at Arms of the Senate may carry out such activities and enter into such agreements related to the use of any building or facility acquired pursuant to such subsection as the Sergeant at Arms of the Senate considers appropriate, including—

(1) agreements with the United States Capitol Police or any other entity relating to the policing of such building or facility; and

(2) agreements with the Architect of the Capitol or any other entity relating to the care and maintenance of such building or facility.

(c) AUTHORITY OF CAPITOL POLICE AND ARCHITECT.—

(1) ARCHITECT OF THE CAPITOL.—Notwithstanding any other provision of law, the Architect of the Capitol may take any action necessary to carry out an agreement entered into with the Sergeant at Arms of the Senate pursuant to subsection (b).

(2) CAPITOL POLICE.—Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a) is amended—

(A) by striking “The Capitol Police” and inserting “(a) The Capitol Police”; and

(B) by adding at the end the following new subsection:

“(b) For purposes of this section, ‘the United States Capitol Buildings and Grounds’ shall include any building or facility acquired by the Sergeant at Arms of the Senate for the use of the Senate for which the Sergeant at Arms of the Senate has entered into an agreement with the United States Capitol Police for the policing of the building or facility.”.

(d) TRANSFER OF CERTAIN FUNDS.—Subject to the approval of the Committee on Appropriations of the Senate, the Architect of the Capitol may transfer to the Sergeant at Arms of the Senate amounts made available to the Architect for necessary expenses for the maintenance, care and operation of the Senate office buildings during a fiscal year in order to cover any portion of the costs incurred by the Sergeant at Arms of the Senate during the year in acquiring a building or facility pursuant to subsection (a).

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 802. (a) Notwithstanding any other provision of law—

(1) subject to subsection (b), the Sergeant at Arms of the Senate and the head of an Executive Agency (as defined in section 105 of title 5, United States Code) may enter into a memorandum of understanding under which the Agency may provide facilities, equipment, supplies, personnel, and other support services for the use of the Senate during an emergency situation; and

(2) the Sergeant at Arms of the Senate and the head of the Agency may take any action necessary to carry out the terms of the memorandum of understanding.

(b) The Sergeant at Arms of the Senate may enter into a memorandum of understanding described in subsection (a)(1) consistent with the Senate Procurement Regulations.

(c) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

OTHER LEGISLATIVE BRANCH

ADMINISTRATIVE PROVISIONS

SEC. 803. (a) Section 1(c) of Public Law 96–152 (40 U.S.C. 206–1) is amended by striking “but not to exceed” and all that follows and inserting the following: “but not to exceed \$2,500 less

than the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate.”.

(b) The Assistant Chief of the Capitol Police shall receive compensation at a rate determined by the Capitol Police Board, but not to exceed \$1,000 less than the annual salary for the chief of the United States Capitol Police.

(c) This section and the amendment made by this section shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

SEC. 804. (a) ASSISTANCE FOR CAPITOL POLICE FROM EXECUTIVE DEPARTMENTS AND AGENCIES.—Notwithstanding any other provision of law, Executive departments and Executive agencies may assist the United States Capitol Police in the same manner and to the same extent as such departments and agencies assist the United States Secret Service under section 6 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note), except as may otherwise be provided in this section.

(b) TERMS OF ASSISTANCE.—Assistance under this section shall be provided—

(1) consistent with the authority of the Capitol Police under sections 9 and 9A of the Act of July 31, 1946 (40 U.S.C. 212a and 212a–2);

(2) upon the advance written request of—

(A) the Chairman of the Capitol Police Board, or

(B) in the absence of the Chairman of the Capitol Police Board—

(i) the Sergeant at Arms and Doorkeeper of the Senate, in the case of any matter relating to the Senate; or

(ii) the Sergeant at Arms of the House of Representatives, in the case of any matter relating to the House; and

(3) either—

(A) on a temporary and non-reimbursable basis,

(B) on a temporary and reimbursable basis, or

(C) on a permanent reimbursable basis upon advance written request of the Chairman of the Capitol Police Board.

(c) REPORTS ON EXPENDITURES FOR ASSISTANCE.—

(1) REPORTS.—With respect to any fiscal year in which an Executive department or Executive agency provides assistance under this section, the head of that department or agency shall submit a report not later than 30 days after the end of the fiscal year to the Chairman of the Capitol Police Board.

(2) CONTENTS.—The report submitted under paragraph (1) shall contain a detailed account of all expenditures made by the Executive department or Executive agency in providing assistance under this section during the applicable fiscal year.

(3) SUMMARY OF REPORTS.—After receipt of all reports under paragraph (2) with respect to any fiscal year, the Chairman of the Capitol Police Board shall submit a summary of such reports to the Committees on Appropriations of the Senate and the House of Representatives.

(d) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 805. (a) The Chief of the Capitol Police may, upon any emergency as determined by the Capitol Police Board, deputize members of the National Guard (while in the performance of Federal or State service), members of components of the Armed Forces other than the National Guard, and Federal, State or local law enforcement officers as may be necessary to address that emergency. Any person deputized under this section shall possess all the powers and privileges and may perform all duties of a member or officer of the Capitol Police.

(b) The Capitol Police Board may promulgate regulations, as determined necessary, to carry out provisions of this section.

(c) This section shall apply to fiscal year 2002 and each fiscal year thereafter.

SEC. 806. (a) Notwithstanding any other provision of law, the United States Capitol Preservation Commission established under section 801 of the Arizona-Idaho Conservation Act of 1988 (40 U.S.C. 188a) may transfer to the Architect of the Capitol amounts in the Capitol Preservation Fund established under section 803 of such Act (40 U.S.C. 188a–2) if the amounts are to be used by the Architect for the planning, engineering, design, or construction of the Capitol Visitor Center.

(b) Any amounts transferred pursuant to subsection (a) shall remain available for the use of the Architect of the Capitol until expended.

(c) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

CHAPTER 9

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, DEFENSE-WIDE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Military Construction, Defense-wide”, \$475,000,000 to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 901. (a) AVAILABILITY OF AMOUNTS FOR MILITARY CONSTRUCTION RELATING TO TERRORISM.—Amounts made available to the Department of Defense from funds appropriated in Public Law 107–38 and this Act may be used to carry out military construction projects, not otherwise authorized by law, that the Secretary of Defense determines are necessary to respond to or protect against acts or threatened acts of terrorism.

(b) NOTICE TO CONGRESS.—Not later than 15 days before obligating amounts available under subsection (a) for military construction projects referred to in that subsection the Secretary shall notify the appropriate committees of Congress the following:

(1) The determination to use such amounts for the project.

(2) The estimated cost of the project.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section the term “appropriate committees of Congress” has the meaning given that term in section 2801 (4) of title 10, United States Code.

SEC. 902. If in exercising the authority in section 2808 of title 10, United States Code, to carry out military construction projects not authorized by law, the Secretary of Defense utilizes, whether in whole or in part, funds appropriated but not yet obligated for a military construction project previously authorized by law, the Secretary may carry out such military construction project previously authorized by law using amounts appropriated by the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38; 115 Stat. 220), or any other appropriations Act to provide funds for the recovery from and response to the terrorist attacks on the United States that is enacted after the date of the enactment of this Act, and available for obligation.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Salaries and Expenses”, for the Office of Intelligence and Security, \$1,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, in addition to funds made available from

any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, to be derived from the Airport and Airway Trust Fund, \$57,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38: Provided, That it is the sense of the Senate that funds provided under this paragraph shall be used to provide subsidized service at a rate of not less than three flights per day for eligible communities with significant enplanement levels that enjoyed said rate of service, with or without subsidy, prior to September 11, 2001.

COAST GUARD

OPERATING EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operating Expenses", \$285,350,000, to remain available until September 30, 2003, to be obligated from amounts made available in Public Law 107-38.

FEDERAL AVIATION ADMINISTRATION OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operations", \$251,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2003, to be obligated from amounts made available in Public Law 107-38.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Research, Engineering, and Development", \$50,000,000, to be derived from the Airport and Airway Trust Fund, to be obligated from amounts made available in Public Law 107-38.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, notwithstanding any other provision of law, for "Grants-in-aid for airports", to enable the Federal Aviation Administrator to compensate airports for a portion of the direct costs associated with new, additional or revised security requirements imposed on airport operators by the Administrator on or after September 11, 2001, \$200,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

FEDERAL HIGHWAY ADMINISTRATION MISCELLANEOUS APPROPRIATIONS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Miscellaneous Appropriations", including the operation and construction of ferries and ferry facilities, \$110,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM (HIGHWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Emergency Relief Program", as authorized by section 125 of title 23, United States Code, \$75,000,000, to be derived from the Highway Trust Fund and to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

FEDERAL RAILROAD ADMINISTRATION SAFETY AND OPERATIONS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Safety and Operations", \$6,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for necessary expenses of capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), \$100,000,000, to remain available until expended, and to be obligated from amounts made available in Public Law 107-38.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Formula Grants", \$23,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

CAPITAL INVESTMENT GRANTS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Capital Investment Grants", \$100,000,000, to be obligated from amounts made available in Public Law 107-38: Provided, That in administering funds made available under this paragraph, the Federal Transit Administrator shall direct funds to those transit agencies most severely impacted by the terrorist attacks of September 11, 2001, excluding any transit agency receiving a Federal payment elsewhere in this Act: Provided further, That the provisions of 49 U.S.C. 5309(h) shall not apply to funds made available under this paragraph.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Research and Special Programs", \$6,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States and for other safety and security related audit and monitoring responsibilities, for "Salaries and Expenses", \$2,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$836,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 1001. Section 5117(b)(3) of the Transportation Equity Act for the 21st Century (Public Law 105-178; 112 Stat. 449; 23 U.S.C. 502 note) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (F), and (G), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) FOLLOW-ON DEPLOYMENT.—(i) After an intelligent transportation infrastructure system deployed in an initial deployment area pursuant to a contract entered into under the program under this paragraph has received system acceptance, the Department of Transportation has the authority to extend the original contract that was competitively awarded for the deployment of the system in the follow-on deployment areas under the contract, using the same asset ownership, maintenance, fixed price contract, and revenue sharing model, and the same competitively selected consortium leader, as were used for the deployment in that initial deployment area under the program.

"(ii) If any one of the follow-on deployment areas does not commit, by July 1, 2002, to participate in the deployment of the system under the contract, then, upon application by any of the other follow-on deployment areas that have committed by that date to participate in the deployment of the system, the Secretary shall supplement the funds made available for any of the follow-on deployment areas submitting the applications by using for that purpose the funds not used for deployment of the system in the nonparticipating area. Costs paid out of funds provided in such a supplementation shall not be counted for the purpose of the limitation on maximum cost set forth in subparagraph (B).";

(4) by inserting after subparagraph (D), as redesignated by paragraph (1), the following new subparagraph (E):

"(E) DEFINITIONS.—In this paragraph:

"(i) The term 'initial deployment area' means a metropolitan area referred to in the second sentence of subparagraph (A).

"(ii) The term 'follow-on deployment areas' means the metropolitan areas of Baltimore, Birmingham, Boston, Chicago, Cleveland, Dallas/Ft. Worth, Denver, Detroit, Houston, Indianapolis, Las Vegas, Los Angeles, Miami, New York/Northern New Jersey, Northern Kentucky/Cincinnati, Oklahoma City, Orlando, Philadelphia, Phoenix, Pittsburgh, Portland, Providence, Salt Lake, San Diego, San Francisco, St. Louis, Seattle, Tampa, and Washington, District of Columbia."; and

(5) in subparagraph (D), as redesignated by paragraph (1), by striking "subparagraph (D)" and inserting "subparagraph (F)".

SEC. 1002. No appropriated funds or revenues generated by the National Railroad Passenger Corporation may be used to implement section 204(c)(2) of Public Law 105-134 until the Congress has enacted an Amtrak reauthorization Act.

CHAPTER 11

DEPARTMENT OF THE TREASURY

INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$2,032,000, to remain available until expended, to be obligated from amounts made available by Public Law 107-38.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$1,700,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$22,846,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$600,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$31,431,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

UNITED STATES CUSTOMS SERVICE
SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$292,603,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38; of this amount, not less than \$140,000,000 shall be available for increased staffing to combat terrorism along the Nation's borders, of which \$10,000,000 shall be available for hiring inspectors along the Southwest border; not less than \$15,000,000 shall be available for seaport security; and not less than \$30,000,000 shall be available for the procurement and deployment of non-intrusive and counterterrorism inspection technology, equipment and infrastructure improvements to combat terrorism at the land and sea border ports of entry.

OPERATION, MAINTENANCE AND PROCUREMENT,
AIR AND MARINE INTERDICTION PROGRAMS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operation, Maintenance and Procurement, Air and Marine Interdiction Programs", \$6,700,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE AND MANAGEMENT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Processing, Assistance and Management", \$16,658,000, to remain available until expended, to be obligated from amounts made available by Public Law 107-38.

TAX LAW ENFORCEMENT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Tax Law Enforcement", \$4,544,000, to remain available until expended, to be obligated from amounts made available by Public Law 107-38.

INFORMATION SYSTEMS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Information Systems", \$15,991,000, to remain available until expended, to be obligated from amounts made available by Public Law 107-38.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$104,769,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$50,040,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For emergency expenses to the Postal Service Fund to enable the Postal Service to build and establish a system for sanitizing and screening mail matter, to protect postal employees and postal customers from exposure to biohazardous material, and to replace or repair Postal Service facilities destroyed or damaged in New York City as a result of the September 11, 2001, terrorist attacks, \$600,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38: Provided, That the Postal Service is authorized to review rates for product delivery and minimum qualifications for eligible service providers under sec-

tion 5402 of title 39, and to recommend new rates and qualifications to reduce expenditures without reducing service levels.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDING FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Federal Buildings Fund", \$126,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

NATIONAL ARCHIVES AND RECORDS

ADMINISTRATION

OPERATING EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operating Expenses", \$4,818,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

REPAIRS AND RESTORATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Repairs and Restoration", \$2,180,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

GENERAL PROVISION, THIS CHAPTER

SEC. 1101. None of the funds appropriated by this Act or any other Act may be used after June 30, 2002 for the operation of any federally owned building if determined to be appropriate by the Administrator of the General Services Administration, or to enter into any lease or lease renewal with any person for office space for a Federal agency in any other building, unless such operation, lease, or lease renewal is in compliance with a regulation or Executive Order issued after the date of enactment of this section that requires redundant and physically separate entry points to such buildings, and the use of physically diverse local network facilities, for the provision of telecommunications services to Federal agencies in such buildings.

CHAPTER 12

DEPARTMENT OF VETERANS AFFAIRS

CONSTRUCTION, MAJOR PROJECTS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Construction, Major Projects", \$2,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Community development fund", \$2,000,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38: Provided, That such funds shall be subject to the first through sixth provisos in section 434 of Public Law 107-73: Provided further, That within 45 days of enactment, the State of New York, in conjunction with the City of New York, shall establish a corporation for the obligation of the funds provided under this heading, issue the initial criteria and requirements necessary to accept applications from individuals, nonprofits and small businesses for economic losses from the September 11, 2001, terrorist attacks, and begin processing such applications: Provided further, That the corporation shall respond to any application from an individual, nonprofit or small business for economic losses under this heading within 45 days of the submission of an application for funding: Provided further, That individuals, nonprofits or small businesses shall be eligible

for compensation only if located in New York City in the area located on or south of Canal Street, on or south of East Broadway (east of its intersection with Canal Street), or on or south of Grand Street (east of its intersection with East Broadway): Provided further, That, of the amount made available under this heading, no less than \$500,000,000 shall be made available for individuals, nonprofits or small businesses described in the prior three provisos with a limit of \$500,000 per small business for economic losses.

MANAGEMENT AND ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Office of Inspector General", \$1,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and to support activities related to countering terrorism, for "Science and Technology", \$41,514,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and to support activities related to countering terrorism, for "Environmental Programs and Management", \$38,194,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

HAZARDOUS SUBSTANCE SUPERFUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and to support activities related to countering terrorism, for "Hazardous Substance Superfund", \$41,292,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

STATE AND TRIBAL ASSISTANCE GRANTS

For making grants for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and to support activities related to countering potential biological and chemical threats to populations, for "State and Tribal Assistance Grants", \$5,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For disaster recovery activities and assistance related to the terrorist attacks in New York, Virginia, and Pennsylvania on September 11, 2001, for "Disaster Relief", \$5,824,344,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$20,000,000, to remain available until expended, for the Office of National Preparedness, to be obligated from amounts made available in Public Law 107-38.

EMERGENCY MANAGEMENT PLANNING AND
ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States and to support activities related to countering terrorism, for "Emergency Management Planning and Assistance", \$290,000,000, to remain available until September 30, 2003, for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), to be obligated from amounts made available in Public Law

107-38: Provided, That up to 5 percent of this amount shall be transferred to "Salaries and expenses" for program administration.

NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION

HUMAN SPACE FLIGHT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Human Space Flight", \$64,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Science, Aeronautics and Technology", \$28,600,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Research and Related Activities", \$300,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 1201. UNITY IN THE SPIRIT OF AMERICA. (a) **SHORT TITLE.**—This section may be cited as the "Unity in the Spirit of America Act" or the "USA Act".

(b) **PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS.**—The National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended by inserting before title V the following:

"TITLE IV—PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS"

"SEC. 401. PROJECTS.

"(a) **DEFINITION.**—In this section, the term 'Foundation' means the Points of Light Foundation funded under section 301, or another nonprofit private organization, that enters into an agreement with the Corporation to carry out this section.

"(b) **IDENTIFICATION OF PROJECTS.**—

"(1) **ESTIMATED NUMBER.**—Not later than December 1, 2001, the Foundation, after obtaining the guidance of the heads of appropriate Federal agencies, such as the Director of the Office of Homeland Security and the Attorney General, shall—

"(A) make an estimate of the number of victims killed as a result of the terrorist attacks on September 11, 2001 (referred to in this section as the 'estimated number'); and

"(B) compile a list that specifies, for each individual that the Foundation determines to be such a victim, the name of the victim and the State in which the victim resided.

"(2) **IDENTIFIED PROJECTS.**—The Foundation may identify approximately the estimated number of community-based national and community service projects that meet the requirements of subsection (d). The Foundation shall name each identified project in honor of a victim described in subsection (b)(1)(A), after obtaining the permission of an appropriate member of the victim's family and the entity carrying out the project.

"(c) **ELIGIBLE ENTITIES.**—To be eligible to have a project named under this section, the entity carrying out the project shall be a political subdivision of a State, a business, a nonprofit organization (which may be a religious organization, such as a Christian, Jewish, or Muslim organization), an Indian tribe, or an institution of higher education.

"(d) **PROJECTS.**—The Foundation shall name, under this section, projects—

"(1) that advance the goals of unity, and improving the quality of life in communities; and

"(2) that will be planned, or for which implementation will begin, within a reasonable period

after the date of enactment of the Unity in Service to America Act, as determined by the Foundation.

"(e) **WEBSITE AND DATABASE.**—The Foundation shall create and maintain websites and databases, to describe projects named under this section and serve as appropriate vehicles for recognizing the projects."

SEC. 1202. Within funds previously appropriated as authorized under the Native American Housing and Self Determination Act of 1996 (Pub. L. 104-330, § 1(a), 110 Stat. 4016) and made available to Cook Inlet Housing Authority, Cook Inlet Housing Authority may use up to \$9,500,000 of such funds to construct student housing for Native college students, including an on-site computer lab and related study facilities, and, notwithstanding any provision of such Act to the contrary, Cook Inlet Housing Authority may use a portion of such funds to establish a reserve fund and to provide for maintenance of the project.

CHAPTER 13

GENERAL PROVISIONS, THIS DIVISION

SEC. 1301. Amounts which may be obligated pursuant to this division are subject to the terms and conditions provided in Public Law 107-38.

SEC. 1302. No part of any appropriation contained in this division shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This division may be cited as the "Emergency Supplemental Act, 2002".

DIVISION C—SPENDING LIMITS AND BUDGETARY ALLOCATIONS FOR FISCAL YEAR 2002

SEC. 101. (a) **DISCRETIONARY SPENDING LIMITS.**—Section 251(c)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking subparagraph (A) and inserting the following:

"(A) for the discretionary category: \$681,441,000,000 in new budget authority and \$670,447,000,000 in outlays;"

(b) **REVISED AGGREGATES AND ALLOCATIONS.**—Upon the enactment of this section, the chairman of the Committee on the Budget of the House of Representatives and the chairman of the Committee on the Budget of the Senate shall each—

(1) revise the aggregate levels of new budget authority and outlays for fiscal year 2002 set in sections 101(2) and 101(3) of the concurrent resolution on the budget for fiscal year 2002 (H. Con. Res. 83, 107th Congress), to the extent necessary to reflect the revised limits on discretionary budget authority and outlays for fiscal year 2002 provided in subsection (a);

(2) revise allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations of their respective House as initially set forth in the joint explanatory statement of managers accompanying the conference report on that concurrent resolution, to the extent necessary to reflect the revised limits on discretionary budget authority and outlays for fiscal year 2002 provided in subsection (a); and

(3) publish those revised aggregates and allocations in the Congressional Record.

(c) **REPEAL OF SECTION 203 OF BUDGET RESOLUTION FOR FISCAL YEAR 2002.**—Section 203 of the concurrent resolution on the budget for fiscal year 2002 (H. Con. Res. 83, 107th Congress) is repealed.

(d) **ADJUSTMENTS.**—If, for fiscal year 2002, the amount of new budget authority provided in appropriation Acts exceeds the discretionary spending limit on new budget authority for any category due to technical estimates made by the Director of the Office of Management and Budget, the Director shall make an adjustment equal to the amount of the excess, but not to exceed an amount equal to 0.2 percent of the sum of the adjusted discretionary limits on new budget authority for all categories for fiscal year 2002.

SEC. 102. **PAY-AS-YOU-GO ADJUSTMENT.**—In preparing the final sequestration report for fiscal year 2002 required by section 254(f)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Director of the Office of Management and Budget shall change any balance of direct spending and receipts legislation for fiscal years 2001 and 2002 under section 252 of that Act to zero.

DIVISION D—TECHNICAL CORRECTIONS

SEC. 101. Title VI of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (Public Law 107-76) is amended under the heading "Food and Drug Administration, Salaries and Expenses" by striking "\$13,207,000" and inserting "\$13,357,000".

SEC. 102. Title IV of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 2002 (Public Law 107-77) is amended in the third proviso of the first undesignated paragraph under the heading "Diplomatic and Consular Programs" by striking "this heading" and inserting "the appropriations accounts within the Administration of Foreign Affairs".

SEC. 103. Title V of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 2002 (Public Law 107-77) is amended in the proviso under the heading "Commission on Ocean Policy" by striking "appointment" and inserting "the first meeting of the Commission".

SEC. 104. Section 612 of Public Law 107-77 is amended by striking "June 30, 2002" and inserting "April 1, 2002".

SEC. 105. Section 626(c) of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 2002 (Public Law 107-77) is amended by striking "1.00CV03110(ESG)" and inserting "1.00CV03110(EGS)".

SEC. 106. JICARILLA, NEW MEXICO, MUNICIPAL WATER SYSTEM. Public Law 107-66 is amended—

(1) under the heading of "Title I, Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil, Construction, General"—

(A) by striking "Provided further, That using \$2,500,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with a final design and initiate construction for the repair and replacement of the Jicarilla Municipal Water System in the town of Dulce, New Mexico"; and

(B) insert at the end before the period the following: "": Provided further, That using funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to transfer \$2,500,000 to the Secretary of the Interior for the Bureau of Reclamation to proceed with the Jicarilla Municipal Water System in the town of Dulce, New Mexico"; and

(2) under the heading of "Title II, Department of the Interior, Bureau of Reclamation, Water and Related Resources, (Including the Transfer of Funds)"—

(A) insert at the end before the period the following: "": Provided further, That using \$2,500,000 of the funds provided herein, the Secretary of the Interior is directed to proceed with a final design and initiate construction for the repair and replacement of the Jicarilla Municipal Water System in the town of Dulce, New Mexico".

SEC. 107. (a) Public Law 107-68 is amended by adding at the end the following:

"This Act may be cited as the 'Legislative Branch Appropriations Act, 2002'."

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of Public Law 107-68.

SEC. 108. Section 102 of the Legislative Branch Appropriations Act, 2002 (Public Law 107-68) is amended—

(1) in subsection (a), by striking paragraph (1) and redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively;

(2) in subsection (g)(1)—

(A) in subparagraph (A), by striking “subsection (i)(1)(A)” and inserting “subsection (h)(1)(A)”; and

(B) in subparagraph (B), by striking “subsection (i)(1)(B)” and inserting “subsection (h)(1)(B)”.

SEC. 109. (a) Section 209 of the Legislative Branch Appropriations Act, 2002 (Public Law 107-68) is amended in the matter amending Public Law 106-173 by striking the quotation marks and period at the end of the new subsection (g) and inserting the following: “Any reimbursement under this subsection shall be credited to the appropriation, fund, or account used for paying the amounts reimbursed.

“(h) EMPLOYMENT BENEFITS.—

“(1) IN GENERAL.—The Commission shall fix employment benefits for the Director and for additional personnel appointed under section 6(a), in accordance with paragraphs (2) and (3).

“(2) EMPLOYMENT BENEFITS FOR THE DIRECTOR.—

“(A) IN GENERAL.—The Commission shall determine whether or not to treat the Director as a Federal employee for purposes of employment benefits. If the Commission determines that the Director is to be treated as a Federal employee, then he or she is deemed to be an employee as that term is defined by section 2105 of title 5, United States Code, for purposes of chapters 63, 83, 84, 87, 89, and 90 of that title, and is deemed to be an employee for purposes of chapter 81 of that title. If the Commission determines that the Director is not to be treated as a Federal employee for purposes of employment benefits, then the Commission or its administrative support service provider shall establish appropriate alternative employment benefits for the Director. The Commission’s determination shall be irrevocable with respect to each individual appointed as Director, and the Commission shall notify the Office of Personnel Management and the Department of Labor of its determination. Notwithstanding the Commission’s determination, the Director’s service is deemed to be Federal service for purposes of section 8501 of title 5, United States Code.

“(B) DETAILEE SERVING AS DIRECTOR.—Subparagraph (A) shall not apply to a detailee who is serving as Director.

“(3) EMPLOYMENT BENEFITS FOR ADDITIONAL PERSONNEL.—A person appointed to the Commission staff under subsection (b)(2) is deemed to be an employee as that term is defined by section 2105 of title 5, United States Code, for purposes of chapters 63, 83, 84, 87, 89, and 90 of that title, and is deemed to be an employee for purposes of chapter 81 of that title.”.

(b) The amendments made by this section shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2002 (Public Law 107-68).

SEC. 110. (a) Section 133(a) of the Legislative Branch Appropriations Act, 2001 (Public Law 107-68) is amended—

(1) by striking “90-day” in paragraph (1) and inserting “180-day”, and

(2) by striking “90 days” in paragraph (2)(C) and inserting “180 days”.

(b) The amendments made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2001 (Public Law 107-68).

SEC. 111. (a) Notwithstanding any other provision of law, of the funds authorized under section 110 of title 23, United States Code, for fiscal year 2002, \$29,542,304 shall be set aside for the project as authorized under title IV of the National Highway System Designation Act of 1995, as amended: Provided, That, if funds authorized under these provisions have been distributed then the amount so specified shall be recalled proportionally from those funds distributed to the States under section 110(b)(4)(A) and (B) of title 23, United States Code.

(b) Notwithstanding any other provision of law, for fiscal year 2002, funds available for en-

vironmental streamlining activities under section 104(a)(1)(A) of title 23, United States Code, may include making grants to, or entering into contracts, cooperative agreements, and other transactions, with a Federal agency, State agency, local agency, authority, association nonprofit or for-profit corporation, or institution of higher education.

(c) Notwithstanding any other provision of law, of the funds authorized under section 110 of title 23, United States Code, for fiscal year 2002, and made available for the National motor carrier safety program, \$5,896,000 shall be for State commercial driver’s license program improvements.

(d) Notwithstanding any other provision of law, of the funds authorized under section 110 of title 23, United States Code, for fiscal year 2002, and made available for border infrastructure improvements, up to \$2,300,000 shall be made available to carry out section 1119(d) of the Transportation Equity Act for the 21st Century, as amended.

SEC. 112. Notwithstanding any other provision of law, of the amounts appropriated for in fiscal year 2002 for the Research and Special Programs Administration, \$3,170,000 of funds provided for research and special programs shall remain available until September 30, 2004; and \$22,786,000 of funds provided for the pipeline safety program derived from the pipeline safety fund shall remain available until September 30, 2004.

SEC. 113. Item 1497 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 312), relating to Alaska, is amended by inserting “and construct capital improvements to intermodal marine freight and passenger facilities and access thereto” before “in Anchorage”.

SEC. 114. Of the funds made available in H.R. 2299, the Fiscal Year 2002 Department of Transportation and Related Agencies Appropriations Act, of funds made available for the Transportation and Community and System Preservation Program, \$300,000 shall be for the US-61 Woodville widening project in Mississippi and, of funds made available for the Interstate Maintenance program, \$5,000,000 shall be for the City of Renton/Port Quendall, WA project.

SEC. 115. Section 652(c)(1) of Public Law 107-67 is amended by striking “Section 414(c)” and inserting “Section 416(c)”.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING HOUSING CERTIFICATE FUND

SEC. 116. Of the amounts made available under both this heading and the heading “Salaries and Expenses” in title II of Public Law 107-73, not to exceed \$20,000,000 shall be for the recordation and liquidation of obligations and deficiencies incurred in prior years in connection with the provision of technical assistance authorized under section 514 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (“section 514”), and for new obligations for such technical assistance: Provided, That of the total amount provided under this heading, not less than \$2,000,000 shall be made available from salaries and expenses allocated to the Office of General Counsel and the Office of Multifamily Housing Assistance Restructuring in the Department of Housing and Urban Development: Provided further, That of the total amount provided under this heading, no more than \$10,000,000 shall be made available for new obligations for technical assistance under section 514: Provided further, That from amounts made available under this heading, the Inspector General of the Department of Housing and Urban Development (“HUD Inspector General”) shall audit each provision of technical assistance obligated under the requirements of section 514 over the last 4 years: Provided further, That, to the extent the HUD Inspector General determines that the use of any funding for technical

assistance does not meet the requirements of section 514, the Secretary of Housing and Urban Development (“Secretary”) shall recapture any such funds: Provided further, That no funds appropriated under title II of Public Law 107-73 and subsequent appropriations acts for the Department of Housing and Urban Development shall be made available for four years to any entity (or any subsequent entity comprised of significantly the same officers) that has been identified as having violated the requirements of section 514 by the HUD Inspector General: Provided further, That, notwithstanding any other provision of law, no funding for technical assistance under section 514 shall be available for carryover from any previous year: Provided further, That the Secretary shall implement the provisions under this heading in a manner that does not accelerate outlays.

DIVISION E—MISCELLANEOUS PROVISIONS

TITLE I—HOMESTAKE MINE CONVEYANCE

SEC. 101. SHORT TITLE.

This title may be cited as the “Homestake Mine Conveyance Act of 2001”.

SEC. 102. FINDINGS.

Congress finds that—

(1) the United States is among the leading nations in the world in conducting basic scientific research;

(2) that leadership position strengthens the economy and national defense of the United States and provides other important benefits;

(3) the Homestake Mine in Lead, South Dakota, owned by the Homestake Mining Company of California, is approximately 8,000 feet deep and is situated in a unique physical setting that is ideal for carrying out certain types of particle physics and other research;

(4) the Mine has been selected by the National Underground Science Laboratory Committee, an independent panel of distinguished scientists, as the preferred site for the construction of the National Underground Science Laboratory;

(5) such a laboratory would be used to conduct scientific research that would be funded and recognized as significant by the United States;

(6) the establishment of the laboratory is in the national interest, and would substantially improve the capability of the United States to conduct important scientific research;

(7) for economic reasons, Homestake intends to cease operations at the Mine in 2001;

(8) on cessation of operations of the Mine, Homestake intends to implement reclamation actions that would preclude the establishment of a laboratory at the Mine;

(9) Homestake has advised the State that, after cessation of operations at the Mine, instead of closing the entire Mine, Homestake is willing to donate the underground portion of the Mine and certain other real and personal property of substantial value at the Mine for use as the National Underground Science Laboratory;

(10) use of the Mine as the site for the laboratory, instead of other locations under consideration, would result in a savings of millions of dollars for the Federal Government;

(11) if the Mine is selected as the site for the laboratory, it is essential that closure of the Mine not preclude the location of the laboratory at the Mine;

(12) Homestake is unwilling to donate, and the State is unwilling to accept, the property at the Mine for the laboratory if Homestake and the State would continue to have potential liability with respect to the transferred property; and

(13) to secure the use of the Mine as the location for the laboratory, and to realize the benefits of the proposed laboratory, it is necessary for the United States to—

(A) assume a portion of any potential future liability of Homestake concerning the Mine; and

(B) address potential liability associated with the operation of the laboratory.

SEC. 103. DEFINITIONS.

In this title:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) **AFFILIATE.**—

(A) **IN GENERAL.**—The term “affiliate” means any corporation or other person that controls, is controlled by, or is under common control with Homestake.

(B) **INCLUSIONS.**—The term “affiliate” includes a director, officer, or employee of an affiliate.

(3) **CONVEYANCE.**—The term “conveyance” means the conveyance of the Mine to the State under section 104(a).

(4) **FUND.**—The term “Fund” means the Environment and Project Trust Fund established under section 108.

(5) **HOMESTAKE.**—

(A) **IN GENERAL.**—The term “Homestake” means the Homestake Mining Company of California, a California corporation.

(B) **INCLUSION.**—The term “Homestake” includes—

(i) a director, officer, or employee of Homestake;

(ii) an affiliate of Homestake; and

(iii) any successor of Homestake or successor to the interest of Homestake in the Mine.

(6) **INDEPENDENT ENTITY.**—The term “independent entity” means an independent entity selected jointly by Homestake, the South Dakota Department of Environment and Natural Resources, and the Administrator—

(A) to conduct a due diligence inspection under section 104(b)(2)(A); and

(B) to determine the fair value of the Mine under section 105(a).

(7) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) **LABORATORY.**—

(A) **IN GENERAL.**—The term “laboratory” means the national underground science laboratory proposed to be established at the Mine after the conveyance.

(B) **INCLUSION.**—The term “laboratory” includes operating and support facilities of the laboratory.

(9) **MINE.**—

(A) **IN GENERAL.**—The term “Mine” means the portion of the Homestake Mine in Lawrence County, South Dakota, proposed to be conveyed to the State for the establishment and operation of the laboratory.

(B) **INCLUSIONS.**—The term “Mine” includes—

(i) real property, mineral and oil and gas rights, shafts, tunnels, structures, backfill, broken rock, fixtures, facilities, and personal property to be conveyed for establishment and operation of the laboratory, as agreed upon by Homestake and the State; and

(ii) any water that flows into the Mine from any source.

(C) **EXCLUSIONS.**—The term “Mine” does not include—

(i) the feature known as the “Open Cut”;
(ii) any tailings or tailings storage facility (other than backfill in the portion of the Mine described in subparagraph (A)); or

(iii) any waste rock or any site used for the dumping of waste rock (other than broken rock in the portion of the Mine described in subparagraph (A)).

(10) **PERSON.**—The term “person” means—

(A) an individual;

(B) a trust, firm, joint stock company, corporation (including a government corporation), partnership, association, limited liability company, or any other type of business entity;

(C) a State or political subdivision of a State;

(D) a foreign governmental entity;

(E) an Indian tribe; and

(F) any department, agency, or instrumentality of the United States.

(11) **PROJECT SPONSOR.**—The term “project sponsor” means an entity that manages or pays

the costs of 1 or more projects that are carried out or proposed to be carried out at the laboratory.

(12) **SCIENTIFIC ADVISORY BOARD.**—The term “Scientific Advisory Board” means the entity designated in the management plan of the laboratory to provide scientific oversight for the operation of the laboratory.

(13) **STATE.**—

(A) **IN GENERAL.**—The term “State” means the State of South Dakota.

(B) **INCLUSIONS.**—The term “State” includes an institution, agency, officer, or employee of the State.

SEC. 104. CONVEYANCE OF REAL PROPERTY.

(a) **IN GENERAL.**—

(1) **DELIVERY OF DOCUMENTS.**—Subject to paragraph (2) and subsection (b) and notwithstanding any other provision of law, on the execution and delivery by Homestake of 1 or more quit-claim deeds or bills of sale conveying to the State all right, title, and interest of Homestake in and to the Mine, title to the Mine shall pass from Homestake to the State.

(2) **CONDITION OF MINE ON CONVEYANCE.**—The Mine shall be conveyed as is, with no representations as to the condition of the property.

(b) **REQUIREMENTS FOR CONVEYANCE.**—

(1) **IN GENERAL.**—As a condition precedent of conveyance and of the assumption of liability by the United States in accordance with this title, the Administrator shall accept the final report of the independent entity under paragraph (3).

(2) **DUE DILIGENCE INSPECTION.**—

(A) **IN GENERAL.**—As a condition precedent of conveyance and of Federal participation described in this title, Homestake shall permit an independent entity to conduct a due diligence inspection of the Mine to determine whether any condition of the Mine may present an imminent and substantial endangerment to public health or the environment.

(B) **CONSULTATION.**—As a condition precedent of the conduct of a due diligence inspection, Homestake, the South Dakota Department of Environment and Natural Resources, the Administrator, and the independent entity shall consult and agree upon the methodology and standards to be used, and other factors to be considered, by the independent entity in—

(i) the conduct of the due diligence inspection;

(ii) the scope of the due diligence inspection; and

(iii) the time and duration of the due diligence inspection.

(3) **REPORT TO THE ADMINISTRATOR.**—

(A) **IN GENERAL.**—The independent entity shall submit to the Administrator a report that—

(i) describes the results of the due diligence inspection under paragraph (2); and

(ii) identifies any condition of or in the Mine that may present an imminent and substantial endangerment to public health or the environment.

(B) **PROCEDURE.**—

(i) **DRAFT REPORT.**—Before finalizing the report under this paragraph, the independent entity shall—

(I) issue a draft report;

(II) submit to the Administrator, Homestake, and the State a copy of the draft report;

(III) issue a public notice requesting comments on the draft report that requires all such comments to be filed not later than 45 days after issuance of the public notice; and

(IV) during that 45-day public comment period, conduct at least 1 public hearing in Lead, South Dakota, to receive comments on the draft report.

(ii) **FINAL REPORT.**—In the final report submitted to the Administrator under this paragraph, the independent entity shall respond to, and incorporate necessary changes suggested by, the comments received on the draft report.

(4) **REVIEW AND APPROVAL BY ADMINISTRATOR.**—

(A) **IN GENERAL.**—Not later than 60 days after receiving the final report under paragraph (3), the Administrator shall—

(i) review the report; and

(ii) notify the State in writing of acceptance or rejection of the final report.

(B) **CONDITIONS FOR REJECTION.**—The Administrator may reject the final report only if the Administrator identifies 1 or more conditions of the Mine that—

(i) may present an imminent and substantial endangerment to the public health or the environment, as determined by the Administrator; and

(ii) require response action to correct each condition that may present an imminent and substantial endangerment to the public health or the environment identified under clause (i) before conveyance and assumption by the Federal Government of liability concerning the Mine under this title.

(C) **RESPONSE ACTIONS AND CERTIFICATION.**—

(i) **RESPONSE ACTIONS.**—

(I) **IN GENERAL.**—If the Administrator rejects the final report, Homestake may carry out or bear the cost of, or permit the State or another person to carry out or bear the cost of, such response actions as are necessary to correct any condition identified by the Administrator under subparagraph (B)(i) that may present an imminent and substantial endangerment to public health or the environment.

(II) **LONG-TERM RESPONSE ACTIONS.**—

(aa) **IN GENERAL.**—In a case in which the Administrator determines that a condition identified by the Administrator under subparagraph (B)(i) requires continuing response action, or response action that can be completed only as part of the final closure of the laboratory, it shall be a condition of conveyance that Homestake, the State, or another person deposit into the Fund such amount as is estimated by the independent entity, on a net present value basis and after taking into account estimated interest on that basis, to be sufficient to pay the costs of the long-term response action or the response action that will be completed as part of the final closure of the laboratory.

(bb) **LIMITATION ON USE OF FUNDS.**—None of the funds deposited into the Fund under item (aa) shall be expended for any purpose other than to pay the costs of the long-term response action, or the response action that will be completed as part of the final closure of the Mine, identified under that item.

(ii) **CONTRIBUTION BY HOMESTAKE.**—The total amount that Homestake may expend, pay, or deposit into the Fund under subclauses (I) and (II) of clause (i) shall not exceed—

(I) \$75,000,000; less

(II) the fair value of the Mine as determined under section 105(a).

(iii) **CERTIFICATION.**—

(I) **IN GENERAL.**—After any response actions described in clause (i)(I) are carried out and any required funds are deposited under clause (i)(II), the independent entity may certify to the Administrator that the conditions for rejection identified by the Administrator under subparagraph (B) have been corrected.

(II) **ACCEPTANCE OR REJECTION OF CERTIFICATION.**—Not later than 60 days after an independent entity makes a certification under subclause (I), the Administrator shall accept or reject the certification.

(c) **REVIEW OF CONVEYANCE.**—For the purposes of the conveyance, the requirements of this section shall be considered to be sufficient to meet any requirement of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 105. ASSESSMENT OF PROPERTY.

(a) **VALUATION OF PROPERTY.**—The independent entity shall assess the fair value of the Mine.

(b) **FAIR VALUE.**—For the purposes of this section, the fair value of the Mine shall include the

estimated cost, as determined by the independent entity under subsection (a), of replacing the shafts, winzes, hoists, tunnels, ventilation system, and other equipment and improvements at the Mine that are expected to be used at, or that will be useful to, the laboratory.

(c) **REPORT.**—Not later than the date on which each report developed in accordance with section 104(b)(3) is submitted to the Administrator, the independent entity described in subsection (a) shall submit to the State a report that identifies the fair value assessed under subsection (a).

SEC. 106. LIABILITY.

(a) **ASSUMPTION OF LIABILITY.**—

(1) **ASSUMPTION.**—Subject to paragraph (2), notwithstanding any other provision of law, on completion of the conveyance in accordance with this title, the United States shall assume any and all liability relating to the Mine and laboratory, including liability for—

(A) damages;

(B) reclamation;

(C) the costs of response to any hazardous substance (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)), contaminant, or other material on, under, or relating to the Mine and laboratory; and

(D) closure of the Mine and laboratory.

(2) **CLAIMS AGAINST UNITED STATES.**—In the case of any claim brought against the United States, the United States shall be liable for—

(A) damages under paragraph (1)(A), only to the extent that an award of damages is made in a civil action brought under chapter 171 of title 28, United States Code; and

(B) response costs under paragraph (1)(C), only to the extent that an award of response costs is made in a civil action brought under—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(ii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(iii) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

(iv) any other applicable Federal environmental law, as determined by the Administrator.

(b) **LIABILITY PROTECTION.**—On completion of the conveyance, neither Homestake nor the State shall be liable to any person or the United States for injuries, costs, injunctive relief, reclamation, damages (including damages to natural resources or the environment), or expenses, or liable under any other claim (including claims for indemnification or contribution, claims by third parties for death, personal injury, illness, or loss of or damage to property, or claims for economic loss), under any law (including a regulation) for any claim arising out of or in connection with contamination, pollution, or other condition, use, or closure of the Mine and laboratory, regardless of when a condition giving rise to the liability originated or was discovered.

(c) **INDEMNIFICATION.**—Notwithstanding any other provision of law, on completion of the conveyance in accordance with this title, the United States shall indemnify, defend, and hold harmless Homestake and the State from and against—

(1) any and all liabilities and claims described in subsection (a), without regard to any limitation under subsection (a)(2); and

(2) any and all liabilities and claims described in subsection (b).

(d) **WAIVER OF SOVEREIGN IMMUNITY.**—For purposes of this Act, the United States waives any claim to sovereign immunity.

(e) **TIMING FOR ASSUMPTION OF LIABILITY.**—If the conveyance is effectuated by more than 1 legal transaction, the assumption of liability, liability protection, indemnification, and waiver of sovereign immunity provided for under this section shall apply to each legal transaction, as of the date on which the transaction is com-

pleted and with respect to such portion of the Mine as is conveyed under that transaction.

(f) **EXCEPTIONS FOR HOMESTAKE CLAIMS.**—Nothing in this section constitutes an assumption of liability by the United States, or relief of liability of Homestake, for—

(1) any unemployment, worker's compensation, or other employment-related claim or cause of action of an employee of Homestake that arose before the date of conveyance;

(2) any claim or cause of action that arose before the date of conveyance, other than an environmental claim or a claim concerning natural resources;

(3) any violation of any provision of criminal law; or

(4) any claim, injury, damage, liability, or reclamation or cleanup obligation with respect to any property or asset that is not conveyed under this title, except to the extent that any such claim, injury, damage, liability, or reclamation or cleanup obligation arises out of the continued existence or use of the Mine subsequent to the date of conveyance.

SEC. 107. INSURANCE COVERAGE.

(a) **PROPERTY AND LIABILITY INSURANCE.**—

(1) **IN GENERAL.**—To the extent property and liability insurance is available and subject to the requirements described in paragraph (2), the State shall purchase property and liability insurance for the Mine and the operation of the laboratory to provide coverage against the liability described in subsections (a) and (b) of section 106.

(2) **REQUIREMENTS.**—The requirements referred to in paragraph (1) are the following:

(A) **TERMS OF INSURANCE.**—In determining the type, extent of coverage, and policy limits of insurance purchased under this subsection, the State shall—

(i) periodically consult with the Administrator and the Scientific Advisory Board; and

(ii) consider certain factors, including—

(I) the nature of the projects and experiments being conducted in the laboratory;

(II) the availability and cost of commercial insurance; and

(III) the amount of funding available to purchase commercial insurance.

(B) **ADDITIONAL TERMS.**—The insurance purchased by the State under this subsection may provide coverage that is—

(i) secondary to the insurance purchased by project sponsors; and

(ii) in excess of amounts available in the Fund to pay any claim.

(3) **FINANCING OF INSURANCE PURCHASE.**—

(A) **IN GENERAL.**—Subject to section 108, the State may finance the purchase of insurance required under this subsection by using—

(i) funds made available from the Fund; and

(ii) such other funds as are received by the State for the purchase of insurance for the Mine and laboratory.

(B) **NO REQUIREMENT TO USE STATE FUNDS.**—Nothing in this title requires the State to use State funds to purchase insurance required under this subsection.

(4) **ADDITIONAL INSURED.**—Any insurance purchased by the State under this subsection shall—

(A) name the United States as an additional insured; or

(B) otherwise provide that the United States is a beneficiary of the insurance policy having the primary right to enforce all rights of the United States under the policy.

(5) **TERMINATION OF OBLIGATION TO PURCHASE INSURANCE.**—The obligation of the State to purchase insurance under this subsection shall terminate on the date on which—

(A) the Mine ceases to be used as a laboratory; or

(B) sufficient funding ceases to be available for the operation and maintenance of the Mine or laboratory.

(b) **PROJECT INSURANCE.**—

(1) **IN GENERAL.**—The State, in consultation with the Administrator and the Scientific Advisory Board, may require, as a condition of approval of a project for the laboratory, that a project sponsor provide property and liability insurance or other applicable coverage for potential liability associated with the project described in subsections (a) and (b) of section 106.

(2) **ADDITIONAL INSURED.**—Any insurance obtained by the project sponsor under this section shall—

(A) name the State and the United States as additional insureds; or

(B) otherwise provide that the State and the United States are beneficiaries of the insurance policy having the primary right to enforce all rights under the policy.

(c) **STATE INSURANCE.**—

(1) **IN GENERAL.**—To the extent required by State law, the State shall purchase, with respect to the operation of the Mine and the laboratory—

(A) unemployment compensation insurance; and

(B) worker's compensation insurance.

(2) **PROHIBITION ON USE OF FUNDS FROM FUND.**—A State shall not use funds from the Fund to carry out paragraph (1).

SEC. 108. ENVIRONMENT AND PROJECT TRUST FUND.

(a) **ESTABLISHMENT.**—On completion of the conveyance, the State shall establish, in an interest-bearing account at an accredited financial institution located within the State, the Environment and Project Trust Fund.

(b) **AMOUNTS.**—The Fund shall consist of—

(1) an annual deposit from the operation and maintenance funding provided for the laboratory in an amount to be determined—

(A) by the State, in consultation with the Administrator and the Scientific Advisory Board; and

(B) after taking into consideration—

(i) the nature of the projects and experiments being conducted at the laboratory;

(ii) available amounts in the Fund;

(iii) any pending costs or claims that may be required to be paid out of the Fund; and

(iv) the amount of funding required for future actions associated with the closure of the facility;

(2) an amount determined by the State, in consultation with the Administrator and the Scientific Advisory Board, and to be paid by the appropriate project sponsor, for each project to be conducted, which amount—

(A) shall be used to pay—

(i) costs incurred in removing from the Mine or laboratory equipment or other materials related to the project;

(ii) claims arising out of or in connection with the project; and

(iii) if any portion of the amount remains after paying the expenses described in clauses (i) and (ii), other costs described in subsection (c); and

(B) may, at the discretion of the State, be assessed—

(i) annually; or

(ii) in a lump sum as a prerequisite to the approval of the project;

(3) interest earned on amounts in the Fund, which amount of interest shall be used only for a purpose described in subsection (c); and

(4) all other funds received and designated by the State for deposit in the Fund.

(c) **EXPENDITURES FROM FUND.**—Amounts in the Fund shall be used only for the purposes of funding—

(1) waste and hazardous substance removal or remediation, or other environmental cleanup at the Mine;

(2) removal of equipment and material no longer used, or necessary for use, in conjunction with a project conducted at the laboratory;

(3) a claim arising out of or in connection with the conducting of such a project;

(4) purchases of insurance by the State as required under section 107;

(5) payments for and other costs relating to liability described in section 106; and

(6) closure of the Mine and laboratory.

(d) **FEDERAL PAYMENTS FROM FUND.**—The United States—

(1) to the extent the United States assumes liability under section 106—

(A) shall be a beneficiary of the Fund; and

(B) may direct that amounts in the Fund be applied to pay amounts and costs described in this section; and

(2) may take action to enforce the right of the United States to receive 1 or more payments from the Fund.

(e) **NO REQUIREMENT OF DEPOSIT OF PUBLIC FUNDS.**—Nothing in this section requires the State to deposit State funds as a condition of the assumption by the United States of liability, or the relief of the State or Homestake from liability, under section 106.

SEC. 109. WASTE ROCK MIXING.

After completion of the conveyance, the State shall obtain the approval of the Administrator before disposing of any material quantity of laboratory waste rock if—

(1) the disposal site is on land not conveyed under this title; and

(2) the State determines that the disposal could result in commingling of laboratory waste rock with waste rock disposed of by Homestake before the date of conveyance.

SEC. 110. REQUIREMENTS FOR OPERATION OF LABORATORY.

After the conveyance, nothing in this title exempts the laboratory from compliance with any law (including a Federal environmental law).

SEC. 111. CONTINGENCY.

This title shall be effective contingent on the selection, by the National Science Foundation, of the Mine as the site for the laboratory.

SEC. 112. OBLIGATION IN THE EVENT OF NON-CONVEYANCE.

If the conveyance under this title does not occur, any obligation of Homestake relating to the Mine shall be limited to such reclamation or remediation as is required under any applicable law other than this title.

SEC. 113. PAYMENT AND REIMBURSEMENT OF COSTS.

The United States may seek payment—

(1) from the Fund, under section 108(d), to pay or reimburse the United States for amounts payable or liabilities incurred under this title; and

(2) from available insurance, to pay or reimburse the United States and the Fund for amounts payable or liabilities incurred under this title.

SEC. 114. CONSENT DECREES.

Nothing in this title affects any obligation of a party under—

(1) the 1990 Remedial Action Consent Decree (Civ. No. 90–5101 D. S.D.); or

(2) the 1999 Natural Resource Damage Consent Decree (Civ. Nos. 97–5078 and 97–5100, D. S.D.).

SEC. 115. CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by inserting after “September 30, 2003,” the following: “except that fees shall continue to be charged under paragraphs (1) through (8) of that subsection through January 31, 2004.”

SEC. 116. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE II—GENERAL PROVISIONS, THIS DIVISION

SEC. 201. TRUSTEES OF THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS. (a) **MEMBERSHIP.**—Section 2(a) of the John F. Kennedy Center Act (20 U.S.C. 76h(a)) is amended—

(1) by striking “There is hereby” and inserting the following:

“(1) **IN GENERAL.**—There is”; and

(2) by striking the second sentence and inserting the following:

“(2) **MEMBERSHIP.**—The Board shall be composed of—

“(A) the Secretary of Health and Human Services;

“(B) the Librarian of Congress;

“(C) the Secretary of State;

“(D) the Chairman of the Commission of Fine Arts;

“(E) the Mayor of the District of Columbia;

“(F) the Superintendent of Schools of the District of Columbia;

“(G) the Director of the National Park Service;

“(H) the Secretary of Education;

“(I) the Secretary of the Smithsonian Institution;

“(J)(i) the Speaker and the Minority Leader of the House of Representatives;

“(ii) the chairman and ranking minority member of the Committee on Public Works and Transportation of the House of Representatives; and

“(iii) 3 additional Members of the House of Representatives appointed by the Speaker of the House of Representatives;

“(K)(i) the Majority Leader and the Minority Leader of the Senate;

“(ii) the chairman and ranking minority member of the Committee on Environment and Public Works of the Senate; and

“(iii) 3 additional Members of the Senate appointed by the President of the Senate; and

“(L) 36 general trustees, who shall be citizens of the United States, to be appointed in accordance with subsection (b).”

(b) **TERMS OF OFFICE FOR NEW GENERAL TRUSTEES.**—Section 2(b) of the John F. Kennedy Center Act (20 U.S.C. 76h(b)) shall apply to each general trustee of the John F. Kennedy Center for the Performing Arts whose position is established by the amendment made by subsection (a)(2) (referred to in this subsection as a “new general trustee”), except that the initial term of office of each new general trustee shall—

(1) commence on the date on which the new general trustee is appointed by the President; and

(2) terminate on September 1, 2007.

SEC. 202. (a) The purpose of this section is to require procedures that ensure the fair and equitable resolution of labor integration issues, in order to prevent further disruption to transactions for the combination of air carriers, which would potentially aggravate the disruption caused by the attack on the United States on September 11, 2001.

(b) In this section:

(1) The term “air carrier” means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code.

(2) The term “covered employee” means an employee who—

(A) is not a temporary employee; and

(B) is a member of a craft or class that is subject to the Railway Labor Act (45 U.S.C. 151 et seq.).

(3) The term “covered transaction” means a transaction that—

(A) is a transaction for the combination of multiple air carriers into a single air carrier;

(B) involves the transfer of ownership or control of—

(i) 50 percent or more of the equity securities (as defined in section 101 of title 11, United States Code) of an air carrier; or

(ii) 50 percent or more (by value) of the assets of the air carrier;

(C) became a pending transaction, or was completed, not earlier than January 1, 2001; and

(D) did not result in the creation of a single air carrier by September 11, 2001.

(c) If an eligible employee is a covered employee of an air carrier involved in a covered transaction that leads to the combination of crafts or classes that are subject to the Railway Labor Act, the eligible employee may receive as-

sistance under this title only if the parties to the transaction—

(1) apply sections 3 and 13 of the labor protective provisions imposed by the Civil Aeronautics Board in the Allegheny-Mohawk merger (as published at 59 CAB 45) to the covered employees of the air carrier; and

(2) subject to paragraph (1), in a case in which a collective bargaining agreement provides for the application of sections 3 and 13 of the labor protective provisions in the process of seniority integration for the covered employees, apply the terms of the collective bargaining agreement to the covered employees, and do not abrogate the terms of the agreement.

(d) Any aggrieved person (including any labor organization that represents the person) may bring an action to enforce this section, or the terms of any award or agreement resulting from arbitration or a settlement relating to the requirements of this section. The person may bring the action in an appropriate Federal district court, determined in accordance with section 1391 of title 28, United States Code, without regard to the amount in controversy.

UNANIMOUS CONSENT REQUEST— S. 1214

Mr. HARKIN. Madam President, I ask unanimous consent that the majority leader, following consultation with the Republican leader, may proceed to the consideration of Calendar No. 161, S. 1214, the Port, Maritime and Rail Security Act; that when the measure is considered, it be under the following limitations: That a managers' substitute amendment be in order; that the substitute amendment be considered and agreed to and the motion to reconsider be laid upon the table; that the bill, as thus amended, be considered as original text for the purpose of further amendment, with no points of order waived by this agreement; that all first-degree amendments must be transportation-related; that second-degree amendments must be relevant to the first-degree amendment to which it is offered; that upon the disposition of all amendments, the bill be read the third time and the Senate vote on passage of the bill, with no further intervening action or debate.

Mr. THOMAS. Madam President, I object. All the agreements have not been made on both sides.

The PRESIDING OFFICER. The objection is heard.

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

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

NATIONAL CIVIC PARTICIPATION WEEK

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to consideration of Calendar No. 242, S. Res. 140.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 140) designating the week beginning September 15, 2002, as "National Civic Participation Week".

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

Mr. REID. Madam President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, 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. 140) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, will be printed in a future edition of the RECORD.)

CONGRATULATING BARRY BONDS

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from consideration of S. Res. 178, and the Senate proceed to its consideration.

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

The legislative clerk read as follows:

A resolution (S. Res. 178) congratulating Barry Bonds on his spectacular record-breaking season in 2001 and outstanding career in Major League Baseball.

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

AMENDMENT NO. 2465

Mr. REID. Madam President, Senators FEINSTEIN and BOXER have an amendment at the desk.

I ask unanimous consent that the resolution be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, 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 amendment (No. 2465) was agreed to, as follows:

AMENDMENT NO. 2465

On page 1, line 9, strike "3" and insert "an unprecedented 4".

The resolution (S. Res. 178) was agreed to.

The preamble, as amended, was agreed to.

(The resolution with its preamble, will be printed in a future edition of the RECORD.)

EXPRESSING DEEP GRATITUDE TO THE GOVERNMENT AND THE PEOPLE OF THE PHILIPPINES

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to the consideration of S. Con. Res. 91, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 91) expressing deep gratitude to the government and the people of the Philippines for their sympathy and support since September 11, 2001, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the concurrent 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 concurrent resolution (S. Con. Res. 91) was agreed to.

The preamble was agreed to.

(The concurrent resolution, with its preamble, is printed in today's RECORD under "Statements on Submitted Resolutions.")

CRASH OF AMERICAN AIRLINES FLIGHT 587

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to H. Con. Res. 272, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 272) expressing the sense of Congress regarding the crash of American Airlines Flight 587.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the concurrent 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 concurrent resolution (H. Con. Res. 272) was agreed to.

The preamble was agreed to.

RECOGNIZING THE CONTRIBUTION OF THE LAO-HMONG IN DEFENDING FREEDOM AND DEMOCRACY

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 243, H. Con. Res. 88.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 88) expressing the sense of the Congress that the President should issue a proclamation to recognize the contribution of the Lao-Hmong in defending freedom and democracy and supporting the goals of Lao-Hmong Recognition Day.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the concurrent 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 concurrent resolution (H. Con. Res. 88) was agreed to.

The preamble was agreed to.

AMERICAN AIRLINES FLIGHT 587

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate proceed to the immediate consideration of S. Con. Res. 87.

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

The clerk will report the concurrent resolution by title.

Mr. REID. Madam President, the matter that I asked be considered is S. Con. Res. 87. We will withdraw that for the time being and go to another matter.

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

RECOGNITION OF FIRST RESPONDERS IN THE AFTERMATH OF THE TERRORIST ATTACKS ON THE WORLD TRADE CENTER AND THE PENTAGON ON SEPTEMBER 11, 2001

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 73, and the Senate proceed to its immediate consideration.

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

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 73) expressing the profound sorrow of Congress for the deaths and injuries suffered by first responders as they endeavored to save innocent people in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble 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 concurrent resolution (S. Con. Res. 73) was agreed to.

The preamble was agreed to.

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

S. CON. RES. 73

Whereas law enforcement officers, firefighters, and emergency medical personnel are collectively known as first responders;

Whereas following the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001, first responders reacted immediately in evacuating and rescuing innocent people from the buildings;

Whereas first responders also arrived quickly at the crash site of United Airlines flight 93 in southwestern Pennsylvania;

Whereas if it were not for the heroic efforts of first responders immediately after the terrorist attacks, numerous additional casualties would have resulted from the attacks;

Whereas as the first emergency personnel to arrive at the scenes of the terrorist attacks, first responders risked their lives in their efforts to save others;

Whereas while first responders were bravely conducting the evacuation and rescue after the terrorist attacks on the World Trade Center, the 2 towers of that complex collapsed, and many first responders themselves became victims of the attacks;

Whereas the everyday well-being, security, and safety of Americans depend upon the official duties of first responders;

Whereas in addition to their official duties, first responders around the Nation participate in planning, training, and exercises to respond to terrorist attacks;

Whereas emergency managers, public health officials, and medical care providers also invest significant time in planning, training, and exercises to better respond to terrorist attacks in the United States;

Whereas the Nation has not forgotten the heroic efforts of first responders after the bombing of the World Trade Center on February 26, 1993, and the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, on April 19, 1995;

Whereas there are numerous Federal programs that help prepare first responders from across the Nation, including the Domestic Preparedness Program and other training and exercise programs administered by the Department of Justice;

Whereas there are also domestic preparedness programs administered by the Federal Emergency Management Agency, which together with the programs of the Department of Justice support State and local first responders with funding, training, equipment acquisition, technical assistance, exercise planning, and execution;

Whereas many of the first responders who participate in such programs do so on their own time;

Whereas an effective response of local first responders to a terrorist attack saves lives; and

Whereas in response to a terrorist attack, first responders are exposed to a high risk of bodily harm and death as the first line of defense of the United States in managing the aftermath of the attack: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) expresses its profound sorrow for the deaths and injuries suffered by first responders as they endeavored to save innocent people in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001;

(2) expresses its deepest sympathies to the families and loved ones of the fallen first responders;

(3) honors and commends the first responders who participated in evacuating and rescuing the innocent people in the World Trade Center and the Pentagon after the terrorist attacks;

(4) encourages the President to issue a proclamation calling upon the people of the United States to pay respect to the first responder community for their service in the aftermath of the terrorist attacks and their continuing efforts to save lives; and

(5) encourages all levels of government to continue to work together to effectively coordinate emergency preparedness by providing the infrastructure, funding, and inter-agency communication and cooperation necessary to ensure that if an attack occurs, first responders will be as prepared as possible to respond effectively.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMERICAN AIRLINES FLIGHT 587

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 87, and the Senate proceed to its immediate consideration.

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

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 87) expressing the sense of Congress regarding the crash of American Airlines Flight 587.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 87) was agreed to.

The preamble was agreed to.

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

S. CON. RES. 87

Whereas American Airlines Flight 587 en route from John F. Kennedy Airport in Queens County, New York to Santo Domingo, Dominican Republic crashed on the Rockaway Peninsula in Queens County, New York on November 12, 2001;

Whereas the crash resulted in the tragic loss of life by an estimated at 266 persons, including passengers, crew members, and people on the ground;

Whereas New York City has strong cultural, familial, and historic ties to the Dominican Republic;

Whereas many of the passengers were of Dominican origin residing in the Washington Heights community, a vibrant neighborhood that is an integral part of our national cultural mosaic;

Whereas the Rockaway community has already suffered greatly as a result of the terrorist attacks on the World Trade Center in New York City on September 11, 2001, as the Rockaway community has long been home to one of the highest concentrations of the firefighters of New York City, many of whom lost their lives responding to those attacks on the World Trade Center;

Whereas many Rockaway residents, ignoring the risks of being harmed by fire or other hazards at the site of the plane crash, rushed to the site in an effort to help;

Whereas the people of Rockaway have served as an inspiration through their resilience in the face of adversity and their faith in and practice of community; and

Whereas the professional emergency personnel of New York on the ground at the crash site performed emergency services valiantly, thereby limiting the devastation of this tragedy: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS.

The Congress—

(1) sends its heartfelt condolences to the families, friends, and loved ones of the victims of the crash of American Airlines Flight 587 on November 12, 2001;

(2) sends its sympathies to the people of the Dominican Republic and to the Dominican community in the City of New York who have been so tragically affected by the loss of loved ones aboard that flight;

(3) sends its sympathies to the people of the Rockaway community who have suffered immense personal loss as a combined result of the crash on November 12, 2001, and the terrorist attacks on the World Trade Center on September 11, 2001; and

(4) commends the heroic actions of the rescue workers, volunteers, and State and local officials of New York who responded to these tragic events with courage, determination, and skill.

SEC. 2. TRANSMISSION OF THE ENROLLED RESOLUTION.

The Secretary of the Senate shall transmit an enrolled copy of this resolution to the President of the Dominican Republic and to the Mayor of New York City.

ORDERS FOR TUESDAY, DECEMBER 11, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m., Tuesday, December 11; that immediately following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to executive session; further, that the Senate recess from 12:30 to 2:15 p.m. for the weekly party conferences.

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

PROGRAM

Mr. REID. Madam President, at 9:30 tomorrow the Senate will conduct three rollcall votes on judicial nominations. Following these votes Senator HARKIN will proceed, along with Senator LUGAR, to manage consideration of the farm bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

December 10, 2001

CONGRESSIONAL RECORD — SENATE

S12815

There being no objection, the Senate,
at 5:42 p.m., adjourned until Tuesday,
December 11, 2001, at 9:30 a.m.

NOMINATIONS

Executive nomination received by
the Senate December 10, 2001:

DEPARTMENT OF JUSTICE

CHRISTOPHER JAMES CHRISTIE, OF NEW JERSEY, TO
BE UNITED STATES ATTORNEY FOR THE DISTRICT OF
NEW JERSEY FOR THE TERM OF FOUR YEARS, VICE
FAITH S. HOCHBERG, RESIGNED.