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Senate

The Senate met at 11 a.m. and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

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

Father, thank You for the privilege to pray to You at the beginning of this work week in the United States Senate. Gratefully, we remember the historic event which made possible one of America's most enduring traditions. On September 7, 1774, the first prayer in Congress was prayed when the Continental Congress convened. We praise You that this declaration of dependence on You led to the Declaration of Independence twenty-two months later. We reflect on the many times throughout our Nation's history that prayer broke deadlocks, opened the way to greater unity, and brought light in our darkest times. As we celebrate the power of prayer in years past, deepen our individual and corporate prayers for this Senate and our Nation. Help us to say those crucial words, ''One Nation Under God'' with new trust in You this morning.

Dear God, bless America. Guide this Senate to lead this Nation to greater trust in You. We need a profound spiritual awakening once again. Forgive our Nation's humanistic secularism, materialism, and insensitivity to the problems of poverty, racism, and injustice. Lower Your plumb line of righteousness on every facet of our society and reveal what is out of plumb for what You desire for America. May our prayers draw us to Your heart. We want this prayer to begin a continuous conversation with You throughout this day. Help us to listen, discern Your will, and obey with faithfulness. You are our Lord and Saviour. 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.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 12 noon with Senators permitted to speak therein for up to 10 minutes each.

Also under the previous order, the time until 11:30 a.m. will be under the control of the Senator from Wyoming, Mr. THOMAS, or his designee. Under the previous order, the time until 12 noon will be under the control of the Senator from Illinois, Mr. DURBIN, or his designee.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada, Mr. REID, is recognized.

STATUS OF THE COMMERCE, STATE, JUSTICE APPROPRIATIONS BILL

Mr. REID. Mr. President, I spoke Friday afternoon with Senator HOLLINGS, who will manage the Commerce, State, Justice appropriations bill. He indicated that he and Senator GREGG are ready to go to work. They will be on the floor at noon today. There are a number of amendments, but we don't think there will be a lot of amendments. We need to move this bill very quickly. As soon as we finish, we have seven more appropriations bills to complete as soon as possible, with the fiscal year coming to a close at the end of this month.

The majority leader has indicated that he will have a vote between 5 and 5:30 tonight. Senator HOLLINGS understands that. So Members should expect a vote tonight between 5 and 5:30.

The PRESIDENT pro tempore. The Senator from Wyoming, Mr. THOMAS, is recognized.

Mr. THOMAS. Mr. President, I yield the first 15 minutes to my friend, the Senator from Idaho.

The PRESIDENT pro tempore. The Senator from Idaho is recognized for not to exceed 15 minutes.

THE LAST OF THE ''SLUDGE'' FROM THE CLINTON ADMINISTRATION

Mr. CRAIG. Mr. President, I am on the floor of the Senate today to speak to an issue that is right in Washington D.C., in our midst. It is something that I think few of us realize, but it has begun to get the attention of the American public. We have seen several news articles on it in the last month.

Mr. President, the Bush administration inherited an environmental mess from previous administrations over the past good number of years. As I have said, it is right here in the backyard of Washington, DC. The Washington Aqueduct, which is operated by the Army Corps of Engineers, is in violation of the Endangered Species Act and the Clean Water Act. Millions of pounds of sludge, laced with alum, are created when the Potomac River water is treated for drinking water for the Washington, D.C. and Northern Virginia area.

I have a picture of the release of the aqueduct into the Potomac River. Rather than send the sludge to a landfill, as other cities are required to do, it is dumped back into the Potomac River. Strangely enough, Mr. President, it is dumped into the river at

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

night. Why? I suspect so that the public will not see it or ask the question: What is it? Therefore, it is dumped through the Chesapeake and the Ohio Canal National Historic Park.

The Corps claims that to alter this process so that it functions like other water treatment facilities will take years to plan, to build, and to become operational. The only problem is that they have been saying that now for decades.

The Corps has stated that if it were prohibited from dumping millions of pounds of toxic sludge into the river to protect an endangered species would create a security crisis. What would the crisis be? Well, it would deprive the White House, the Congress, the courts, and the Pentagon of adequate drinking water.

Mr. President, I have to be honest. That kind of an argument and that situation outrages me. I believe that no one should be above the law, including the Nation's Capital. Of all the places that I thought we would never hear the phrase, ''not in my backyard,'' we are hearing it repeatedly said right here in Washington by the Army Corps of Engineers. A situation of this nature would never have occurred in the West because the Endangered Species Act would have trumped all of the other needs first. In fact, a community would be taxed beyond its capacity to finance a new facility and that facility would be ordered to be built by a court. There would be no arbitrary frustration of national security or that we simply can't get there in a timely fashion.

Let me give you an example in McCall, ID. The drinking water source from the community is cleaner than the standards of the Safe Water Drinking Act. However, the community has been struggling for the last decade to finance a new drinking water system in order to comply with Federal regulations.

I strongly feel that no one entity should operate as if it was above the law and especially in our Nation's Capital. If changes need to be made to the Washington Aqueduct, then the Corps should be taking steps to work with the affected communities to establish a new plan. That is what is expected of all of the communities in my State, in the West, and across the Nation, and no less should be expected by our Nation's Capital.

A new discharge permit would require the current illegal discharge to cease, and that, of course, is the problem. This new permit has not been issued because there is a concern by local residents who do not want the dump trucks hauling the sludge through their community; thus, a resulting belief that ratepayers would prefer that the sludge be dumped into the river rather than pay for the cost of the facilities to treat it. At least that appears to be the attitude at this moment.

I have a hard time believing that the residents of any community would want to pollute the water of their community and especially through the middle of a national park. However, this is the typical response of ''not in my backyard.'' We now affectionately call it NIMBY or being ''NIMBYfied.''

Clearly, in this instance, Washington is silent in its NIMBYism. The situation, I repeat, would not be tolerated in the West because a Federal court would order a community to stand down and be responsible under the regulations of the law.

According to the Army Corps, the volume of chemically treated sludge discharged into the primary, if not the only, spawning habitat of the endangered shortnose sturgeon is large enough to require 15 dump truckloads a day to haul it away from the area.

This chart is a picture taken at dawn of the sludge pouring into the river. While it is hard to see, in the distance lies the natural quality of the water. This is the chemical sludge that pours into the Potomac River during the night. Of course, this is a picture that is not very handsome, and I am sure the Army Corps of Engineers would not like to have it dramatized, but in reality, this is exactly what goes on. This dumping represents 15 truckloads of material that should be hauled away on a daily basis.

It has been concluded that a single enormous discharge that includes several million pounds of solids, often done under the cover of night, as I have mentioned, or in inclement weather, may contain the equivalent of a significant amount of the total annual discharge of phosphorous and nitrogen by the city's sewer treatment facilities. This gives you the magnitude of the problem with which we are dealing.

In the mid-1990's, area residents managed to get the Congress to require that Federal agencies give special attention to the concerns of the local residents when the facility was repermitted and thwarted the EPA's issuance of a new permit that would have halted the dumping. In other words, there was an effort at one point, but local citizens and, quietly, the EPA in the mid-90'S winked and nodded and said—''Not In Our Backyard.'' This is the Nation's Capital and it would create a national security problem, and so you are permitted. No new permit, though, has been issued since the old one expired. They just let it roll on. The expired permit has no limits on the total suspended solids, alum, and iron, discharged by the aqueduct. No other city in the Nation would get away with that, nor would there be a wink and a nod. The aqueduct discharges under continuation of the old permit pending issuance of a new one.

The Department of Justice contends this is not a violation of the ESA to dump millions of pounds of chemically treated sludge into the primary spawning habitat of an endangered species that may be present at the exact location of the dumping in the Potomac River.

None of this is going on in the Columbia and Snake Rivers, and yet we have five listed endangered species of salmon there. That water must be maintained in a near or pristine quality, and we have all kinds of activities going on up and down the stretch of the rivers to improve the water quality, but not in Washington and not for the shortnose sturgeon.

The U.S. Fish and Wildlife Service and the National Marine Fisheries Service have stated that the discharge may also result in chemo-sensory disruption and EPA documents state that the discharges may result in what we call bio-accumulation of harmful chemicals. I am getting a little more technical than is necessary.

This picture is worth a thousand more words than I can express about the situation that is going on.

The National Marine Fisheries Service is allowing the project to proceed on the basis that the fish has not been verified in the upper tidals of the Potomac. Yet the regional director of the National Marine Fisheries Service stated more than 2 years ago that studies funded by the Corps that were critical to the analysis of the sturgeon status in the Potomac would commence that spring.

It was determined that the fish are in the river. Only four species have been verified, not counting reports of sturgeon caught by sports fishermen. In fact, at one time, sturgeon was so abundant in the river, along with other fish, that it created a commercial fishery. George Washington took advantage of that commercial fishery with his own fleet of fishing boats. In fact, I am oftentimes told, and I have even looked at the transcripts from Mount Vernon, that one of the most lucrative parts of the Mount Vernon operation was fishing in the Potomac. We know that cannot happen nor would it happen today.

The National Marine Fisheries Service has concluded that the fish is present in the general area because commercial fishermen turned in the sturgeon they happened to catch in their nets in response to a reward program for another species of sturgeon that was known to be in the area.

The bottom line is, there are threatened and endangered fish in the Potomac River, and yet the Army Corps has done nothing in response to the need to cooperate.

In my State of Idaho, or any other State in the Nation, this is a practice that would not be tolerated, and that is why I have come to the floor today. We pass laws, you and I, Mr. President, and the administration writes the regulations to administer those laws. The Endangered Species Act over the last three decades has been touted by some to be the most progressive environmental law in our Nation, and clearly it has saved species of threatened and endangered plants, animals, fish.

My State has been largely reshaped by it. Federal land use plans in my

State are much more prescriptive today and controlled by the very issue of the Endangered Species Act. But here, by a wink and by a nod, nothing happens. It is a river that you and I, Mr. President, for years have worked to pass legislation that would progressively clean it up and improve it, moving it back toward a time when it was a viable fishery on the east coast. But with the millions of pounds of sludge dumped daily into this river in the dark of night under a permit that has not been reissued since 1994—really, how long do we allow something like this to go on? How long do we allow the Army Corps of Engineers to continue to operate because it is in our best interest in the Nation's Capital, the city that ought to lead by example but can get away with a direct violation of the law or by ignoring the enforcement of the law?

I do not think that should be the case. That is why I stand in the Chamber to dramatize this issue and to speak more clearly to it. While I believe the Endangered Species Act needs to be reformed, there is not any way I could write it to reform it that would justify this, nor would I try. Nor would any Senator vote for that kind of a reform.

Yes, we would expect the Endangered Species Act to be more practical in its application, and, yes, we would want a more cooperative relationship with local communities of interest, but never would we ever tolerate the kind of an aggressive act that goes on in Washington on a daily basis, as I have said, oftentimes in the dark of night by this city and by our own agency, the Army Corps of Engineers, which is primarily responsible for the water treatment of this city.

The application of the Endangered Species Act, as we see it, is good for the country and good for the West. It ought to be the same act and it ought to be enforced in the same way in our Nation's Capital. This is simply not being done.

I am in the Chamber to speak to that issue and to recognize I have been involved with others in trying to bring about the conformity of the enforcement of the Endangered Species Act as we rebuild the Woodrow Wilson Bridge. This is one of many issues where there seems to be this attitude, well, if it is the Government doing it, somehow the Government can get away with it, and if it is in or near our Nation's Capital, where national security and the importance of the Congress are involved, then surely we can wink and nod and we can let the law be bypassed.

I think not, Mr. President, and I think you agree with me.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Wyoming, Mr. Thomas.

PLANNING THE SENATE AGENDA

Mr. THOMAS. Mr. President, we enter into our second week of this fall's session after the recess, and we are faced with much to do. I think that is not unusual. It is often the case things pile up towards the end of the session, of course, but it seems to me we have a great many items to consider.

There are 13 appropriations bills to be passed in order to have this Government operate in the next fiscal year. The fiscal year begins October 1, which is only 3 weeks away. In the course of those 3 weeks, there are several days which, for various reasons—the Jewish holidays, and so on—there will not be votes. So we have really a relatively short time.

Obviously, what we will be doing is passing a continuing resolution before this is over, but nevertheless we have a great deal to do. None of these bills has yet gone to the President. Some of them have been passed in both Houses and are waiting now on the conference committees.

To be sure, it is difficult. It is always difficult. This year we are seeing some more difficulties because of the change in conditions with regard to the surplus, because of the difficulty I think we are finding now in staying within the budget we passed some time ago. Nevertheless, those are the items before us.

It does not seem to me perhaps that we are moving ahead quite as rapidly as we might. It does not seem to me we have a very well designed plan to accomplish these things within a certain period of time.

I understand it is very difficult to bring together a group of this kind with different views and properly argue those views. On the other hand, the role of leadership is to have a plan. It is the role of leadership to cause things to happen. Even though they are difficult issues, they must be done. Unfortunately, as I noticed particularly this weekend on public media, and so on, rather than seeking to find a plan to move forward, we seem to be spending more time blaming one another, particularly the President and the administration, for the difficulties in which we find ourselves.

We can have different points of view about whether that is valid or whether it is not, but even if it is, the fact is we have things to do and we should be moving ahead with the plan to do them. Instead of that, we seem to be spending more of our time complaining about the administration's plan. The fact is, we do have indeed the second largest surplus in our history. We also have a budget that we passed that is about a 4-percent increase, which is a fairly low increase, which is what we need compared to what we have spent in the past several years. Our challenge is to stay within the budget we passed and to continue to move forward in doing that.

We hear a great deal of complaint about tax relief—too much tax relief. As a matter of fact, we are in the process of passing that relief back to the people who own the money, and that is as it should be, I believe, particularly as we find ourselves in a time with a very slowing economy. What else is more important than to return more money to the taxpayers if we indeed have a surplus? And we are doing that.

The question, of course, is one of not reaching into Social Security, which I happen to agree with, although we have done that for how many years and those dollars are accounted for in the Social Security fund, even though for years they have been spent for other things without a great deal of complaint, I might add.

However, I do not think that is really the issue. The issue is holding down spending to comply with the budget that we passed. It seems to me that ought to be our challenge.

There is, of course, in my view, no real threat to the beneficiaries of Social Security. Those obligations are there. They are going to be there. We have paid down more debt because of the surpluses over the last several years than in years past. So what we really need to do is address ourselves to the issues we have before us. The turndown in the economy, of course, is the thing most of us are very concerned about, all of us, whether we are here, whether we are in Casper, WY, or wherever, and to do what we can to seek to play the Government's role in doing what we can to change that.

A reduction in taxes, the return of taxes, is designed to help do that. Hopefully, it will. We are not through with that yet. We are in the process with, I believe, seven reductions in the last year in interest rates designed hopefully to stimulate the economy. We need to do that.

Limiting our spending in the budget is another aspect we are seeking to help pick up and strengthen the economy. There are some other things we ought to be doing. We ought to be doing something with giving the President the opportunity to have trade agreements that are then brought to the Senate for approval. They are all brought to the Senate for approval, but the world economy and our involvement in trade, particularly in agriculture, in which I am involved, was the difficulty in the Asian currency a year ago which brought a good deal of problems to our economy. So we are a part of that, of course.

There are a number of things we can do, and I cannot think of anything more important for us to talk about collectively than what is appropriate for the Government in helping to strengthen this economy.

Yesterday, again on the TV, there were some questions about that: Oh, no, it is up to the President to do that. I do not agree with that. Of course, the President is the one who brings up the suggestions to the Senate. The President is not in control of the Senate, and the Senate has some responsibilities to take leadership as well. The idea of saying it all began since this President became President is not true.

It has been here for a year, and then to say it is up to the President, I do not agree with that.

Each of us in this body has some responsibility to give thought to what we can do to help strengthen this economy, which everyone in this country wants us to do.

In addition to that, of course, it seems to me we ought to be moving on an energy bill. This is very important to us, not only to the economy, but we are going to see some more impacts of it, of course, in the winter. We can do that. We started to work on pharmaceuticals. The budget contains opportunity for that. We can do that. Education has been passed by both Houses of Congress and still remains in conference.

I know many in the leadership on both sides are very anxious to work together and show evidence of working together and want to work together. I certainly encourage that be done so we can do what we are here to do, which is to solve the problems before the country, the legitimate problems for the Federal Government.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Nevada.

THE BUDGET

Mr. REID. Mr. President, I say to my friend from Wyoming, it is true we have the second largest surplus in the history of this country; however, it is all Social Security money.

The administration keeps talking about this huge surplus. They never give a caveat, saying, yes, we have the second largest surplus, but the reason we have that is because in 1983, the Congress, with Thomas ''Tip'' O'Neill, Claude Pepper, Senator BYRD, and President Reagan, got together and said, let's forward fund Social Security. In fact, Social Security has been forward funded, recognizing the baby boomers would have to receive large sums of money up front. So when the baby boomers come, there will be money. If we did nothing with Social Security, everyone would draw 100 percent of their benefits until about the year 2030. After 2030, if we did nothing, they would still draw 75 to 80 percent of benefits. The debate is to make sure after the year 2030 Social Security recipients receive all their benefits.

For Members to say President Bush is such a great guy, he has the second largest surplus in the history of the country, is disingenuous. It is not factual. The surplus is as a result of Social Security.

My friend from Wyoming said we should move forward. We have been trying to move forward. We would have already completed the appropriations bills but we have been prevented from moving forward on them. When we finished the legislation last week that we worked so hard to complete, the Export Administration legislation—which, by the way, was held up strictly by people from the Republican camp, totally, for weeks and weeks, and months, and more than a year; we were finally able to get to that legislation after being held up for several days—after we finished that bill we wanted to go to Commerce-State-Justice but they would not let us. There was an objection to a motion to proceed.

Members can come to the floor all they want to talk about what is going on, but Members should state the facts. The facts are, we have been trying to move forward. If it had been up to us, we would have completed all the appropriations bills.

The economy is in trouble. Whether we like it or not, the President of the United States is seen to be the person directing the economy of the country. Basically, that is true.

Over the weekend, the press reported all over America a conversation between Speaker HASTERT and the President of the United States, George W. Bush. I quote Speaker HASTERT: A year from now is when it matters. He is talking to the President about the terms of the economy. A year from now is when it matters.

Let's see, a year from now is real close to midterm elections. Is that what they are talking about? Of course it is.

President Bush responds: ''It's my timeframe, too.'' So we have the Speaker and the President saying they are not concerned about the economy now, but they are concerned about what happens a year from now. That is too bad. We have to be concerned about the economy today, not a year from now. We have an economy that is in real trouble. That is a fact. Rarely do all economists agree on everything, but when it comes to the current state of our economy, there is uniform agreement that things are getting worse instead of better.

As a result of the 1993 Budget Deficit Reduction Act, which was a very difficult vote, President Clinton gave us that budget. It was a tough vote for all Members. In the House of Representatives, without a single Republican vote, it passed by one vote. Courageous people lost their seats in the House of Representatives. The hero that I look to is MARIA CANTWELL. She served one term in the House of Representatives. She knew if she voted for that Budget Deficit Reduction Act it would hurt her in reelection, and it did, but she did the right thing and now is a Member of the Senate. Not all people were as fortunate as MARIA CANTWELL. Some lost and their political careers ended.

In the Senate of the United States, the vote was a tie and the Vice President of the United States came over and sat where the Presiding Officer is now sitting and cast a tie-breaking vote to allow that budget deficit plan to go forward. As a result, we had 7 years of really good times in this country. The votes were tough. We reduced unemployment by over 300,000 people, excluding the military. We had the lowest inflation, lowest employment in more than 40 years, created 25 million new jobs, reduced the deficit from $300 billion a year to surpluses.

Now, with this great budget we have been given by George W. Bush, we are in trouble already. Everyone acknowledges that we don't have the money for these tremendous tax cuts in the future. It has put a real damper on our economy.

Since the passage of the President's budget, we have witnessed a steady decline in the number of economic indicators. Each week there is a new economic indicator indicating we are in trouble. Majority Leader DASCHLE said this weekend, when you take a U-turn on economic policy, you can expect a U-turn in the direction of the economy.

That is what we have. The problems we face because of the President's budget deserve immediate attention.

My friend from Wyoming said it is really not the President. It is the President. He got us into this mess. He needs to give us a blueprint for trying to get out of this mess. We are going to go ahead and do the country's business and work our way through the appropriations bills the best we can. We have a one-vote majority. That makes it tough in the Senate. We need some leadership from the President of the United States, other than saying ''a year from now is when it matters.''

It matters right now. The current state of the economy is one of people losing jobs; the surplus has already disappeared. We are going back to the days of deficits already. And the fact that the ranking member of the Budget Committee, my friend from New Mexico, Senator DOMENICI, was quoted in the press, saying maybe we should spend Social Security surpluses.

To show the disarray on the other side, we have some who are calling for more tax reductions to solve the problems of this economy and to reduce the capital gains taxes. The thing we are now hearing is the Republicans are fighting among themselves as to whether that is a good deal.

The President of the United States today, as we speak, is in Florida talking about the need to pass an education bill. The first thing the Democrats did upon taking power in the Senate was pass the education bill. We did that. Senator DASCHLE could have brought up all kinds of other legislation, but the majority leader placed education on the agenda. And we worked our way through that and passed it. There were some battles as to whether we should do this or that, but it was passed. There was compromise. Legislation is about the art of compromise.

For the President of the United States to be in Florida saying, ''Pass my education bill,'' which is now in conference, takes money, dollars, not to just go around talking about what a great bill we have.

I can remember when I was not as educated in ''things Washington,'' and I would read in the newspapers that

someone in the Nevada delegation issued a statement that some bill had passed. Oh, I thought, good times are here. Little did I know that what you needed was an appropriation to go along with that authorization. I do not think the President of the United States is being fair to the American public by not recognizing that you need to do more than authorize; you need to appropriate. And he will not help us with that. So to go down to Florida today and have a big cheerleading session with students about ''I am the guy who is going to help you with education'' when he is unwilling to help us finance education is wrong.

I don't know how many more people have to lose their jobs, lose their cars, lose their homes. How many will it take before we have the President telling us we need a new budget? The old budget will not work. The economy will not be fixed by hastily arranged press conferences such as we had last week when they found there was a 4.9-percent unemployment rate. There was a quick press conference held, and all the congressional leadership ran to the White House, and that is where they came up with this brilliant statement; it doesn't matter what is happening now; what we need to look at is what going to happen a year from now.

We need to work with the President in righting this problem, but we need some direction from the White House.

STEM CELL RESEARCH

Mr. REID. Mr. President, 3 years ago a young man by the name of Steve Rigazio, president and chief operating officer for the largest utility in Nevada, Nevada Power—a fine, fine young man—was diagnosed with Lou Gehrig's disease. It is a devastating illness that affects the nerve cells in the spinal cord and causes muscles to wither and die very quickly. He has lived longer than people expected. The normal time from the time of diagnosis, when you are told you have this disease, until the time you die, is 18 months. He has lived 3 years. He no longer works. He finally had to give up his job.

Because Lou Gehrig's disease attacks the body but leaves the mind intact, this vibrant man has had to watch his body deteriorate around him. He is a man of great courage, and I hope he lives much longer than people expect. He deserves it.

I have had visiting me for a number of years now two beautiful little girls from Las Vegas. They are twins. They are now 12 years old. One of the twins, Mollie Singer, has struggled with juvenile diabetes since she was 4 years old. She has had thousands of pricks of her skin—thousands. She is a beautiful little girl who believes that we in Washington can help her not have to take all these shots. As do the million Americans who suffer from this illness, Mollie fears that her kidneys will fail, she will get some kind of infection and have one of her limbs amputated or even lose her sight as a result of this diabetes.

There is something that gives Mollie and Steve hope, and that is stem cell research. It gives hope to tens of millions of Americans and their families who, like Steve Rigazio and Mollie Singer, suffer from Lou Gehrig's disease, diabetes, or Alzheimer's, Parkinson's, lupus, heart disease, spinal cord injuries, and other illnesses. Since stem cells can transform into nearly all the different tissues that make up the human body, they can replace defective or missing cells. Scientists are really very optimistic that one day stem cells will be used to replace defective cells in children with juvenile diabetes or even to create rejection-free organs.

Knowing that stem cells may have the power to save and improve lives, we cannot deny researchers the tools they need to fully realize the potential of stem cells. If we fail to seize promising research opportunities, we will fail millions of Americans and their families and people all over the world.

Early last month, President Bush announced he would limit Government funding for research to the stem cell lines that already existed at the time of his announcement. This was obviously a political compromise. I am pleased that the President left the door open for Federal funding of stem cell research in some capacity, but I am very concerned that he has not opened the door far enough to allow scientists to fully realize the life-saving potential of stem cells.

Last week, Secretary Thompson announced that no more than 25 of the 64 stem cell lines the National Institutes of Health listed as falling under the President's criteria are fully developed. We still do not know whether the remaining 40 stem cell lines would be useful to science. What we do know about the 25 viable stem cell lines that fall under the President's guidelines is very troubling. Why? Most, if not all, of the existing stem cell lines have been mixed with mouse cells. As a result, these cells could transfer deadly animal viruses to people, human beings.

It is also unclear whether these cells will be suitable for transplanting into people. Just last week, Dr. Douglas Melton, a professor of molecular and cellular biology at Harvard, testified that cells derived from mice ''have proven unreliable over time for research, either dying out or growing into diseased forms.''

Even though scientists are working on ways to grow human embryonic cell lines without using mouse cells, they will not be eligible for Federal research money because they will be created after President Bush's arbitrary August 12 deadline. Last week the administration confirmed it would not reconsider this deadline, even if it were later discovered that none of these cell lines was suitable for long-term research.

If we fail to fund research for the new stem lines that are created without mouse cells, foreign scientists will still conduct research on stem cell lines that fall outside his guidelines. This research is going to go forward. Shouldn't it go forward under the greatest scientific umbrella in the history of the world, the National Institutes of Health? The answer is yes, that is where it should go forward, not in the little communities throughout the world that are trying to get a step up on the United States. This research is going to go forward. Let's do it the right way.

As a result of the guidelines of the President, we will not have the ability to provide any oversight of this research, if it is done overseas, to ensure that it is conducted by ethical means. Not only will we risk losing our most talented scientists to foreign countries, but we also jeopardize our potential as a nation to remain a world leader in stem cell research.

Over the course of the next several months, scientists will continue to determine whether President Bush's policy will allow stem cell research to advance at a reasonable pace. As we continue to evaluate the President's funding guidelines, we need to keep in mind that millions of Americans who suffer from devastating illnesses do not have the luxury of time—Steve Rigazio as an example. We cannot continue to dangle the hope of cure or the promise of scientific breakthrough before these patients and their families without adequately supporting research to allow scientists to achieve these very important discoveries.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 2500, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

The PRESIDING OFFICER. The distinguished Senator from South Carolina, the chairman of the Commerce Committee, is recognized.

AMENDMENT NO. 1533

Mr. HOLLINGS. Mr. President, I send an amendment to the desk and ask the clerk to report it.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. GREGG, proposes an amendment numbered 1533.

Mr. HOLLINGS. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. Under the previous order, the amendment is considered adopted.

The amendment (No. 1533) was agreed to.

Mr. HOLLINGS. Mr. President, I am pleased to present to the Senate the fiscal year 2002 State, Justice, Commerce, the Judiciary, and related agencies appropriations bill. This bill was accepted unanimously by the full committee in July. As in past years, this has been an extremely bi-partisan effort on the part of the members and staff of this subcommittee. In particular, I would like to thank the ranking member, Senator GREGG, for his dedication to producing a fair and well rounded bill. He has chaired this subcommittee in a distinguished fashion during the past 4 years. He knows this bill through and through and his assistance during the change over has been greatly appreciated. Also, I want to recognize the hard work of my subcommittee staff; my majority clerk, Lila Helms, Jill Shapiro Long, Luke Nachbar, and Dereck Orr; as well as the minority clerk, Jim Morhard along with Kevin Linskey, Katherine Hennesey, and Nancy Perkins.

This is my 31st year on the CJS Subcommittee, and this is the 25th annual appropriations bill for CJS that I have been privileged to present to the Senate either as chairman, or as ranking member of the subcommittee. I am still amazed at the range of important issues that this bill addresses.

Funds appropriated under this bill directly affect the daily lives of all Americans.

Under CJS, the Nation's primary and secondary schools are made safer by providing grants for the hiring of school resource officers to ensure that our children can grow and learn in a protected environment. This bill provides funds to protect all americans by increasing the number of police officers walking the Nation's streets, providing additional funds to fight the growing problem of illegal drug use, guarding consumers from fraud, guarding children from internet predators and protecting Americans from acts of terrorism here at home and abroad.

People throughout this country benefit from weather forecasting services funded through this bill, whether they are farmers receiving information necessary to effectively manage their crops, or families receiving lifesaving emergency bulletins regarding tornadoes, floods, torrential rains, and hurricanes.

Small communities benefit from the economic development programs funded in this bill. Nearly 1,500,000 small businesses benefit from the free SBA assistance provided in this bill. All American businesses and their employees benefit from the funding provided to enforce our trade laws and to prevent illegal, often dangerous products, from being dumped on our markets.

This appropriations bill provides funds to improve technology in a host of areas; funding is provided for developing cutting edge environmental satellites, for developing cutting edge industrial technologies that keep us competitive, and for developing basic communications tools for State and local law enforcement so that they can do their jobs more safely and effectively.

In all, the CJS bill totals $41.5 billion in budget authority, which is $719.9 million above the President's request. There are four specific accounts that benefit from the increased funding above the President's request. They are MARAD, COPS Universal Hiring Program, NIST's Advanced Technology Program, and the Small Business Administration.

First, the President's budget proposed to move MARAD into the Department of Defense. The subcommittee received letters from over one-third of the senate indicating opposition to such a move. The committee bill reflects that request and provides $98.7 million for the Maritime Security Program and $100 million for the Title XI Loan Guarantee Program.

Second, the President's budget proposed to fund only the school resource officer component of the COPS Program. The committee bill before the Senate today fully supports the School Resource Officers Program, but also restores the Universal Hiring Program. The committee bill provides $190 million for the Universal Hiring and Cops More Program.

Third, the President's request proposed to zero out the Advanced Technology Program. The committee bill restores this program and provides the same level of funding, $60.7 million, for new awards as was provided last year. As a result, the bill includes $190 million above the President's request for the ATP Program.

Finally, the President's request proposed to move SBA from a service agency to a fee for service agency. In order to correct this misguided understanding of the services SBA provides this country's more than 1,500,000 small businesses, the committee bill provides an additional $231 million above the President's request to restore funding for all the proposed taxes contained in the President's request.

In addition to restoring the funding for Priority National Programs, the Commerce, Justice, State appropriations bill also focuses on replacing the aging information technology and other core infrastructure needs of the Departments of Justice, Commerce, and State.

As I said before, this is a well rounded bill with a number of important accounts. I would like to take a few more minutes to go over some of the specific funding highlights from the CJS bill the committee is bringing before the Senate today.

Once again, the FBI's Preliminary Annual Uniform Crime Report released this past May demonstrates how well these programs are working. According to the FBI's report, in 2000, serious crime has leveled to mark a decline of 7-percent from 1998, and marking 9 consecutive years of decline. This continues to be the longest running crime decline on record. Bipartisan efforts to fund DOJ's crime fighting initiatives have impacted this reduction in crime during the past 10 years.

The bill provides $3.47 billion for the FBI, which is $216 million above last year's funding level. To meet the FBI's training, resources, and equipment needs, the bill provides $142 million for the FBI's Computer Modernization Program, trilogy; $6.8 million to improve intercept capabilities; $7 million for counter-encryption resources; $12 million for forensic research; $4 million for four mitochondrial DNA forensic labs; and $32 million for an annex for the engineering research facility, which develops and fields cutting edge technology in support of case agents.

To highlight the changing mission of the FBI, the bill provides a new budget structure. Three old criminal divisions were combined into two, and new divisions for cybercrime and counterterrorism were created. The new structure provides the Bureau with more flexibility and should improve the Bureau's responsiveness to changing patterns of crime and headquarters' support of the field. The bill also directs the FBI to re-engineer its workforce by hiring and training specialists that are technically-trained agents and electronics engineers and technicians.

The bill provides $1.5 billion for DEA, $8.8 million above the budget request. Increased funds are provided for technology and infrastructure improvements, including an additional $30 million for DEA's computer network, firebird, and an additional $13 million for DEA's laboratory operations for forensic support.

To combat drugs that are reaching our streets and our children, the bill provides $52.8 million to fight methamphetamine and encourages the DEA to increase efforts to combat heroin and emerging drugs such as oxycontin and MDMA, also known as ecstacy. The bill also directs DEA to renew its efforts to work with Mexico to combat drug trafficking and corruption under the country's new President Vicente Fox.

For the INS, the bill includes $5.5 billion, $2.1 billion of which is derived from fees. This funding provides the necessary resources to address border enforcement and benefits processing. For border enforcement, the bill provides $75 million for 570 additional Border Patrol Agents, $25 million for 348 additional land border inspectors, and $67.5 million for additional inspectors and support staff.

To better equip and house these agents and inspectors, the bill provides $91 million for border vehicles, $22 million for border equipment, such as search lights, goggles and infrared scopes, $40.5 million to modernize inspection technology; and $205 million for Border patrol and detention facility construction and rehabilitation.

For INS' other hat, benefits processing, the bill provides $67 million additional funds to address the backlog and accelerate the processing times.

This bill includes $3.07 billion for the Office of Justice Programs, which is $259.8 above the amount requested by the President. This bill provides for the funding of a number of important law enforcement programs.

The committee has provided $2.08 billion for State and Local Law Enforcement Assistance Grants. Within this amount; $400 million is for the Local Law Enforcement Block Grant Program; $390.5 million is for Violence Against Women Act—VAWA—programs, including programs to assist disabled female victims, programs to reduce violence against women on college campuses, and efforts to address domestic and child abuse in rural areas; and $265 million is provided for the State Criminal Alien Assistance Program which reimburses States for the incarceration costs of criminal aliens.

Within the amount provided for the Office of Justice Programs, a total of $328.5 million has also been recommended for juvenile justice programs. These funds will go towards programs aimed at reducing delinquency among at-risk youth; assisting States in enforcing underage drinking laws; and enhancing school safety by providing youth with positive role models through structured mentoring programs, training for teachers and families so that they can recognize troubled youth, and training to students on conflict resolution and violence reduction.

This bill includes $1.019 billion for the COPS office in new budget authority, which is $164.7 billion above the President's request. As in prior years, the Senate has provided $180 million for the Cops-in-Schools Program to fund up to 1,500 additional school resources officers in FY02, which will make a total of 6,100 school resource officers funded since Senator GREGG and I created this program in 1998.

This committee also remains committed to providing grant funds for the hiring of local law enforcement officers through the COPS Universal Hiring Program. Although the President did not seek funding for this program in FY02, the committee has provided $190 million to continue to hire officers, as well as to provide much needed communications technology to the Nations law enforcement community.

Within the COPS budget, the committee has also increased funding for programs authorized by the Crime Identification and Technology Act, CITA. In FY02, $150.9 million is provided for programs that will improve the retention of, and access to, criminal records nationwide, improve the forensic capabilities of State and local forensic labs, and reduce the backlog of crime scene and convicted offender DNA evidence.

And finally, the committee has provided $48.3 million within COPS to continue the COPS methamphetamine initiative. These funds will provide for the clean-up of meth production sites which pose serious health risks to law enforcement and the surrounding public. Funds will also be provided to State and local law enforcement to acquire training and equipment to safely and effectively dismantle existing meth labs.

For the Department of Commerce in fiscal year 2002, the committee has focused on the separate but equally important goals of improving departmental infrastructure and promoting the advancement of technology. The Nation is blessed with an outstanding group of individuals who go to work every day, across the Nation, for the Department of Commerce. Thirty-seven thousand people work in agencies as diverse as the Economic Development Administration, the National Oceanic and Atmospheric Administration, and the Bureau of the Census. They are highly-trained experts who are responsible for a huge array of critical programs. These people help minority businesses and small manufacturers flourish, run trade missions to open foreign markets to American goods, forecast hurricanes, estimate the Nation's gross domestic product, set standards and measurements recognized and used world-wide, fly satellites, manage the Nation's fisheries, conduct censuses, and process patents. These missions of the Department of Commerce are the glue that holds together the U.S. economy, both domestically and abroad.

There is no doubt as to the importance of the missions under the purview of the Department of Commerce. There is, however, a crisis looming in terms of the infrastructure available to the employees who work there. In many cases, Mr. President, these people are going to work in World War II-era buildings that are literally crumbling around them. We saw this last year in Suitland where we had leaks in the roof, lead in the water, and asbestos in the air systems and we provided funding for new buildings. The average age of the NOAA fleet of research vessels is close to 30 years old. Employees in Department of Commerce bureaus are working with antiquated computer systems that often do not speak to the outside world.

The bill we have before us begins to turn the tide on infrastructure needs. In all cases, the bill funds the President's request for capital upgrades. This includes new information technology systems at the Minority Business Development Agency, the Bureau of the Census, the Economic Development Agency, and the Office of Economic and Statistical Analysis. The bill includes a $76 million increase for the next generation of polar-orbiting satellites. It also includes a new radio spectrum measurement system at the National Telecommunications and Information Administration.

In other cases, this bill jump-starts capital projects that were not requested by the President when they should have been. For example, funding is included to begin work on upgrading the Boulder, CO, campus of the National Institute of Standards and Technology. We also encourage the United States Patent and Trademark Office to reflect on its infrastructure needs and to report back on what we can do to help in the future.

In terms of NOAA, the bill includes funding for 2 new research vessels and funds to refurbish 6 others. In addition, funding is included for needed repairs at the Beaufort, Oxford, and Kasitsna Coastal Laboratories. Sufficient funding is provided to begin construction on regional National Marine Fisheries Service Buildings in Hawaii and in Alaska. The bill provides funding to start building visitor facilities at National Marine Sanctuaries.

Mr. President, the funding provided in this bill for these purposes is a down-payment on the future of a robust Department of Commerce. I believe that the people at the Department are its greatest asset and that these targeted funds will allow those people to better do their jobs for decades to come.

In terms of advancing technology, in addition to the satellite programs, research vessels, radio spectrum management systems and other programs that I mentioned earlier, the bill provides $696.5 million for the National Institute for Standards and Technology—NIST. This amount aggressively funds scientific and technical research and services that are carried out in the NIST Laboratories in Gaithersburg and in Boulder. The bill provides the current year funding level of $60.7 for new ATP awards. The ATP is an industry-led, competitive, and cost-shared program to help the U.S. develop the next generation of breakthrough technologies in advance of its foreign competitors. ATP contracts encourage companies to undertake initial high-risk research that promises significant widespread economic benefits. Over one-half of the ATP awards go to small companies. To date, Mr. President, 41 ATP competitions have been held; 4,435 proposals

have been submitted involving 7,343 participants; 526 awards have been issued involving 1,167 participants, and 248 ATP projects have been completed. Of the 526 awards, 173 are joint ventures, and 353 are single applicants. Fify-nine percent of the projects are led by small businesses and 71 percent of the single applicant projects are led by small business. More than 150 different universities are involved in 280 ATP projects and over 100 new technologies have been commercialized as products or services. Companies have identified nearly 1,400 potential applications of ATP research.

Is ATP a success? The answer clearly is ''yes.'' The Advanced Technology Program has been extensively reviewed. Since its inception, there have been 52 studies on the efficacy and merits of the program. These assessments reveal that the ATP does not fund projects that otherwise would have been financed in the private sector. Rather, the ATP facilitates so-called ''Valley of Death'' projects that private capital markets are unable to fund. In June 2001, the National Academy of Sciences' National Research Council completed its comprehensive review of the ATP. It found that the ATP is an effective Federal partnership that is funding new technologies that can contribute to important societal goals. They also found that ''the ATP could use more funding effectively and efficiently.'' A March 1999 study found that future returns from just 3 of the 50 completed ATP projects—improving automobile manufacturing processes, reducing the cost of blood and immune cell production, and using a new material for prosthesis devices—would pay for all projects funded to date by the ATP. Measurement and evaluation have been part of the ATP since its beginning. What the analysis shows time and time again is that the ATP is stimulating collaboration, accelerating the development of high-risk technologies, and paying off for the Nation.

The bill includes a total of $7.6 billion for the Department of State and related agencies, an increase of $617 million above last year's funding level of $7.0 billion. Within the State Department account, $1.1 billion has been provided for worldwide security upgrades of State Department facilities. Additionally, the bill provides $773 million to continue our Nation's international peacekeeping activities.

During the past several years, the worldwide security accounts and the peacekeeping account have accounted for the majority of increases in the Department's budget while the day-to-day operations have been neglected. As a result, many of the Department's quality of life initiatives and the Department's other infrastructure needs—communications, transportation, office equipment—have suffered. The funding provided in this bill fully funds all current services for the Department of State. In addition, this bill funds all quality of life initiatives such as: additional language, security, leadership and management training; monetary incentives to attract employees to hardship posts; incentives to allow civil service employees to compete for 2-year overseas assignments; and replacement of obsolete furniture and motor vehicles.

As with the other departments funded through this bill, full funding is provided for information technology upgrades. The worldwide web has become essential to the conduct of foreign policy. Yet, very few overseas posts have that capability. The funding provided in this bill fully supports Secretary Powell's decision to place information technology among the Department's top priorities and fully funds the Department's efforts to provide internet access to all State Department desktops by January 2003.

Let me conclude by saying again this is a solid piece of legislation that addresses issues that affect the daily lives of all Americans. It is a good bill that balances the needs on many diverse missions, and the interests of members from both parties. Every year, we face difficulties with respect to limited funding and multiple, sometimes competing, priorities. This year was no different. And, as in past years, the CJS Subcommittee made those decisions in a bipartisan and judicious manner. This could not have happened without the assistance of Senator GREGG and the endless hours of work that both my and his staff put into drafting the bill before the Senate today. With the help of my colleagues, I look forward to swift passage of this vital legislation.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I rise in support of the bill brought forward by the Senator from South Carolina. I thank Senator HOLLINGS for the tremendous courtesy and teamwork approach he has taken on this bill relative to the Republican side of the aisle. I especially thank his staff, led by Lila Helms, for their efforts to make sure we had an approach that involved all the different players on the committee.

This has been a bill which Senator BYRD, during the full committee markup, described as the ''most bipartisan bill in his memory.'' We are very proud of that. I think it is very much a reflection of the leadership of Senator HOLLINGS and the approach he has taken. So I express my deep and sincere thanks to him.

Senator HOLLINGS has outlined pretty specifically the areas this bill funds and some of the initiatives in the bill. Let me talk about a couple, however, that I would like to highlight myself.

First, the appropriation level on this bill is significant, $41.5 billion, which is over the President's request by a fair amount—about one-half billion dollars. It is my hope—and I have discussed this with Senator HOLLINGS—as we move through the process that we can come a little closer to the President's request. I note, however, that the bill is within our budget resolution and the allocation given to this committee. So as a practical matter it does not in any way negatively impact the budget. It is a rather responsible bill. The reason it spends these dollars is because it has significant agencies that it funds.

The Department of Justice is, of course, a critical agency; the Department of State; Department of Commerce; Judiciary; FTC; FCC; and the SEC. These are all agencies that play a huge role in the deliverance of quality Government in our country. It is our obligation to strongly support them.

One area on which we have focused a considerable amount of time in the committee has been the issue of terrorism and our preparation for terrorism as a government. Earlier in the year, we had a joint hearing that involved a large number of Senators participating, at which hearing we had present and testifying all the major agencies that impact terrorism within the Federal Government—I believe the number is 42, or maybe 46. I myself even lost count, even though I stay fairly attentive to this issue. We heard from the leaders of each agency. We heard from the Secretary of State, the head of FEMA, the Attorney General, of course, and down the line. We heard from leaders within our communities and agencies. We heard from the Deputy Secretary of Defense.

The conclusion, which was clear and regrettably unalterable, is that there are simply too many people trying to cook this pie, too many people trying to stir the stew, and, as a practical matter, the coordination necessary in order to deliver a thoughtful and effective response to the threat of terrorism is not that strong.

Terrorism can be divided into three basic areas of responsibilities, the first being intelligence, both domestic and international; the second being interdiction, again domestic and international; and the third being consequence management should an event occur.

In all these areas, there is a significant overlap of responsibility and, as a result, through this hearing and many other hearings we have held, we have come to the conclusion that we have to become more focused within especially the Justice Department, which has a huge role in this area, but within other agencies which naturally fold into the Justice Department.

We have suggested in this bill that we create a Deputy Attorney General who would serve as a national go-to person on the issues relating to domestic terrorism. This individual would obviously work in tandem with a lot of other major players, including FEMA, but as a practical matter at least we would have one central place where we could begin and where people could look to more response to terrorism. It would be a central place where not

only the response would occur but the responsibility would occur and therefore we would have accountability, which is absolutely critical and which today does not exist.

This bill creates that position and funds it, along with funding a significant increase in the counterterrorism activity at a variety of levels which are critically important to our efforts to address this issue.

I do not want to sound too pessimistic about our efforts in this area. Compared to 4 or 5 years ago when we began this initiative, we are way down the positive road. We have, in effect, up and running a first responder program in a number of communities across this country, and we are moving aggressively across the country to bring critical areas up to speed.

We have an effective intelligence effort and effective interdiction effort, but we still have a long way to go. If you put it on a continuum time of a person, it is as if this person were born 5 years ago and we were now in midadolescence, in our late teens, moving, however, aggressively into a more mature approach to the issue.

Another area I think needs to be highlighted, on which I congratulate the chairman, as I have with counterterrorism, is the issue of NOAA. NOAA is absolutely a critical agency for us. It is one of the premier agencies in our Nation in addressing the question of scientific excellence. I was just watching the weather today and noticed there is a hurricane off the northern part of our east coast. It is going to be pushed off the coast in New England because of the weather patterns.

Mr. HOLLINGS. Hopefully it will not hit New Hampshire.

Mr. GREGG. Hopefully it will not hit New Hampshire.

Because of NOAA, we can predict where a hurricane will go with a great deal more accuracy. Certainly, States such as South Carolina and those that are located along the hurricane trough have taken full advantage of it.

This agency goes way beyond the issues of atmospherics. It goes into quality of water, ocean activity, marine fisheries, and we have made a huge commitment in this area in this bill.

Environmental conservation is extraordinarily important as part of the NOAA initiative in this bill, and, as the chairman was reciting, we have put a large amount of dollars into it, especially in the Coastal Zone Management Program and the National Estuarine Research Reserve.

The committee recognizes that 90 percent of the commerce in this country enters through our ports, and our nautical charts are grossly outdated. This year we address this problem by aggressively increasing funding for mapping and charting, electronic navigational charts, shoreline mapping, the survey backlog, and securing additional hydrographic ships.

Because of the critical importance of fishing to our economy and our cultural history, the committee is funding a new $54 million fishery research vessel, as was mentioned by the chairman —this is absolutely critical—along with making a significant effort to protect and preserve the right whale population which is very important to my part of the country.

Given the current concerns regarding our national energy policy, the committee is providing funds through NOAA again to examine an extension of the U.S. claim to the mineral continental shelf, implementation of a regional temperature forecasting system to better project electricity demands, and to develop an air quality forecasting system to minimize the impact of powerplant emissions on air quality.

The committee funded the following programs: Coastal Zone Management grants at $65 million, $5 million over last year's level; National Sea Grant College Program at $56 million, the same level as the budget request; the National Weather Service's Local Warnings and Forecasts Program at $80 million; the National Polar Orbiting Environmental Satellite System at $156 million. This is a recognition by this committee of the significance and importance of NOAA and the role it plays in maintaining the quality of our science in this country but, more importantly, the quality of the life of our citizenry.

As was mentioned by the chairman of the committee, we have made a strong commitment to the judiciary which has its own unique problems, and we continue to work hard, especially in the area of pay. I personally believe we should do something aggressively in the area of paying our judges. I suspect the Chair also feels this way, as he is the fellow responsible for these judges. The fact is, it is very hard to attract into the judiciary high-quality individuals who might have young children or especially families whose kids are about to head off to college under the present pay scale, and something needs to be done. We are trying to address that in this bill.

Again, as was mentioned by the chairman, the State Department has been aggressively addressed. I am happy to report, as the chairman has alluded, that the arrears situation is much improved, thanks to the good work of our former Ambassador to the U.N., Richard Holbrooke. Mr. Holbrooke accomplished what many said could not be done: He successfully negotiated a new U.S. assessment rate both for the regular budget and the peacekeeping account so that the burden is more fairly distributed.

For me, the renegotiation of the assessment scale is a perfect example of how the United States can use its large contribution to the U.N. as a leverage to demand fairness, accountability, and reform. Our ''tough love'' policy vis-a-vis the U.N., the basis of the Helms-Biden legislation, is successful because it is premised on good intentions and high expectations.

I also want to mention that funds have been made available in this bill for information technology in the total of $210 million. As the chairman of this committee mentioned, for the last 4 years I have been extremely supportive of this attempt to try to upgrade the IT capabilities of the State Department. I have been disappointed, however, by the lack of progress made by the Department in this area.

The only goal the State Department has achieved is providing e-mail capability to all Department desktops. Most desktops still do not have Web access. The networks of various U.S. agencies operating overseas have not been integrated, and the classified system needs to be overhauled.

I am encouraged by Secretary Powell's recognition of IT as one of the Department's top priorities. The fiscal year 2002 mark fully funds IT, and I congratulate Senator HOLLINGS for his commitment in this area. Hopefully, the Department will make good use of these funds.

Lastly, I want to mention something that is especially important to me personally, and that is the bill's effort to eliminate the illegal diamond trade that has fueled the violent conflict in African nations such as Sierra Leone, Congo, and Angola.

Nowhere has the effect of this illicit diamond trade been more graphic than in Sierra Leone. As early as 1991, a criminal gang called the Revolutionary United Front, or RUF, began taking control of many of the Sierra Leone diamond mines. Since then, RUF has used profits from the sale of diamonds to terrorize civilians for no other reason than to expand their influence. The RUF is notorious for its use of forced amputations, murder, and rape in waging its war of terrorism. I assure you, there will be no end to the violence unless we address this problem at its root. As long as the RUF can profit from the sale of conflict diamonds, the butchery will continue.

What is needed is a ban on the importation into the United States of diamonds from countries that fail to observe an effective diamond control system. Clearly, this will involve substantial commitment on the part of the Africa's diamond-producing countries. But the onus cannot fall entirely on them. It is equally the responsibility of diamond-importing countries to do all we can to ensure we are not facilitating the trade in conflict diamonds.

In the past, we have been unable or unwilling to act even while effective preventive measures, measures such as the ones I have introduced today and which Senator HOLLINGS has been kind enough to include in this bill, are at our fingertips. There are things we can do to make the situation in Africa better. The key is to act. We have a chance to save lives, to promote peace, merely by changing the way we do business. This bill goes a long way in addressing the appalling events currently taking place in much of West Africa.

Again, I thank Senator HOLLINGS for his commitment in this area and his willingness to support this effort and be a leader on it. In conclusion, I also thank Senator HOLLINGS, and especially his staff, for all they have done to make this a bipartisan bill and a bill which I can enthusiastically support.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 1535

Mr. HOLLINGS. I send to the desk a managers' package of technical amendments.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself, and Mr. GREGG, proposes an amendment numbered 1535.

Mr. HOLLINGS. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 91, line 15, before the ''.'', insert the following: '', of which $13,000,000 shall remain available until expended for capital improvements at the U.S. Merchant Marine Academy''.

On page 18, line 20, before the '':'', insert the following: '', of which $11,554,000 shall be available only for the activation of the facility at Atwater, California, and of which $13,323,000 shall be available only for the activation of the facility at Honolulu, Hawaii''.

On page 53, line 23, strike ''$54,255,000'' and insert ''$23,890,000''.

On page 55, starting on line 4, and finishing on line 5, strike ''provided under this heading in previous years'' and insert in lieu thereof ''in excess of $22,000,000''.

On page 53, starting on line 16 and continuing through line 18, strike ''for expenses necessary to carry out ''NOAA Operations, Research and Facilities sub-category'''' and insert in lieu thereof ''for conservation activities defined''.

On page 58, starting on line 7 and ending on line 8, strike ''the ''NOAA Procurement, Acquisition, and Construction sub-category'''' and insert in lieu thereof ''conservation activities defined''.

On page 58, line 10, after ''amended'', insert ''including funds for''.

On page 58, strike all after ''expended'' on line 12 through ''limits'' on line 16.

On page 58, line 16, after ''That'', insert the following: '', notwithstanding any other provision of law,''.

On page 58, line 17, strike ''for'' and insert in lieu thereof ''used to initiate''.

On page 58, line 18, insert before the '':'', the following: '', for which there shall be no matching requirement''.

On page 59, starting on line 2 and ending on line 3, strike ''''NOAA Pacific Coastal Salmon Recovery sub-category'''' and insert in lieu thereof ''conservation activities defined''.

On page 59, line 5, after the second '','', insert the following: ''including funds for''.

On page 59, line 9, strike all after ''expended'' through ''limits'' on line 13.

On page 65, line 13, after ''funds'', insert the following: '', functions, or personnel''.

On page 66, line 5, strike ''$40,000,000'' and insert ''7,000,000''.

On page 66, line 7, before the '';'', insert the following: ''or support for the Commerce Administrative Management System Support Center''.

On page 66, line 8, after the ''(B)'', strike ''not more than $15,000,000'' and insert in lieu thereof ''None''.

On page 67, after line 15, insert the following new subsection:

''(f) The Office of Management and Budget shall issue a quarterly Apportionment and Reapportionment Schedule, and a Standard Form 133, for the Working Capital Fund and the ''Advances and Reimbursements'' account based upon the report required by subsection (d)(1).''.

On page 75, after line 11, insert the following new section:

''SEC. 306. Pursuant to section 140 of Public Law 97–92, Justices and judges of the United States are authorized during fiscal year 2002, to receive a salary adjustment in accordance with 28 U.S.C. 461: Provided, That $8,625,000 is appropriated for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in title III of this Act.''.

On page 42, line 21, strike ''$49,386,000'' and insert ''$51,440,000''.

Strike section 107 and renumber sections 108–111 as ''107–110''.

On page 102, line 20, strike ''$3,750,000,000'' and insert ''$4,500,000,000, as provided under section 20(h)(1)(B)(ii) of the Small Business Act''.

On page 103, line 1, after ''loans'', insert ''for debentures and participating securities''.

On page 103, line 3, strike ''$4,100,000'', and insert ''the levels established by section 200(h)(1)(C) of the Small Business Act''.

On page 105, line 5, before the '','', insert the following: '', to remain available until expended''.

On page 104, line 24, strike ''$14,850,000 and insert $6,225,000''.

On page 10, line 18, strike ''$724,682,000'' and insert ''$712,682,000''.

Mr. HOLLINGS. Mr. President, in this managers' package, I have listed some two dozen technical amendments clarifying the funding level for the Merchant Marine Academy; another technical amendment clarifying the funding level for the Prison Activations; a technical amendment clarifying the funding level for NOAA Executive Administration, going right on down the list.

Mr. President, I ask unanimous consent that this description of the managers' package be printed in the RECORD.

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

MANAGER'S PACKAGE

1. Hollings technical amendment [clarifying the funding level for the Merchant Marine Academy].

2. Hollings technical amendment [clarifying the funding level for prison activations].

3. Hollings technical amendment [clarifying the funding level for NOAA executive administration].

4. Hollings technical amendment [clarifying the amount of NOAA's prior year deobligations].

5. Hollings technical amendment [clarifying language on conservation activities].

6. Hollings technical amendment [clarifying language on conservation activities].

7. Hollings technical amendment [clarifying the definition of the Coastal and Estuarine Land Conservation Program].

8. Hollings technical amendment [striking extraneous language].

9. Hollings technical amendment [clarifying the availability of funds for the Coastal and Estuarine Land Conservation Program].

10. Hollings technical amendment [clarifying the availability of funds for the Coastal and Estuarine Land Conservation Program].

11. Hollings technical amendment [clarifying the availability of funds for the Coastal and Estuarine Land Conservation Program].

12. Hollings technical amendment [clarifying language on conservation activities].

13. Hollings technical amendment [clarifying language on conservation activities].

14. Hollings technical amendment [striking extraneous language].

15. Hollings technical amendment [clarifies the use of the Commerce Working Capital Fund].

16. Hollings technical amendment [clarifies the uses of the Commerce Working Capital Fund].

17. Hollings technical amendment [clarifies the uses of the Commerce Working Capital Fund].

18. Hollings technical amendment [clarifies the uses of the Commerce Working Capital Fund].

19. Hollings technical amendment [clarifies the uses of the Commerce Working Capital Fund].

20. Hollings amendment [providing a cost of living adjustment for justices and judges].

21. Hollings for Byrd amendment [adjusting the funding level of the International Trade Commission].

22. Hollings for Durbin/Lieberman amendment [eliminating an extraneous section].

23. Hollings for Kerry/Bond amendment [improving SBA's loan authority].

24. Hollings for Kerry/Bond amendment [improving SBA's loan authority].

25. Hollings for Kerry/Bond amendment [improving SBA's loan authority].

26. Gregg for Murkowski amendment [to clarify the availability of funds to the U.S.-Canada Alaska Rail Commission].

27. Hollings technical amendment [prioritizing spending].

28. Hollings technical amendment [prioritizing spending].

Mr. HOLLINGS. I thank the distinguished Chair, and I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there any further debate on the amendment?

If not, the question is on agreeing to amendment No. 1535.

The amendment (No. 1535) was agreed to.

Mr. HOLLINGS. I move to reconsider the vote.

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

The motion to reconsider was laid upon the table.

Mr. HOLLINGS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. LINCOLN) Without objection, it is so ordered.

AMENDMENT NO. 1536

Mr. CRAIG. Madam President, I send an amendment to the desk to the pending legislation.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] for himself, Mr. MILLER, Mr. HELMS, Mr. SMITH of New Hampshire, Mr. ALLEN, Mr. CRAPO, Mr. LOTT, Mr. NICKLES, Mr. SANTORUM, Mr. BENNETT, Mr. ALLARD, Mr. KYL, Mr. BOND, and Mr. INHOFE, proposes an amendment numbered 1536.

Mr. CRAIG. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the availability of funds for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission)

At the end of title VI, add the following:

SEC. 623. (a) 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 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) 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.

(4) Members of the Armed Forces of the United States deserve the full protection of the United States Constitution wherever 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 United Nations officials under procedures that deny them their constitutional rights.

(5) 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 for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression.

(6) The claimed jurisdiction of the International Criminal Court over citizens of a country that is not a state party to the Rome Statute is a threat to the sovereignty of the United States under the Constitution of the United States.

(b) PROHIBITION.—None of the funds appropriated or otherwise made available by this Act shall be available for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission. This subsection shall not be construed to apply to any other entity outside the Rome treaty.

Mr. CRAIG. Madam President, at this time I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1537 TO AMENDMENT NO. 1536

Mr. CRAIG. Madam President, I now submit a second-degree amendment to the amendment, which I think is at the desk as I speak.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 1537 to amendment numbered 1536.

Mr. CRAIG. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the availability of funds for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission)

Strike line 2 and all that follows, and insert the following:

SEC. 623. None of the funds appropriated or otherwise made available by this Act shall be available for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission. This subsection shall not be construed to apply to any other entity outside the Rome treaty.

Mr. CRAIG. Madam President, I take this time to address with my colleagues a matter that I believe has the most grave consequence on our national sovereignty.

I also submit for the RECORD three articles that pertain to this issue that I think are fundamentally important for my colleagues to have and understand. One of those happens to be an op-ed of mine that appeared in the Washington Posts in August, another one from John Bolton, and another one from Mr. Lee Casey. I ask unanimous consent they be printed in the RECORD.

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

[From the Washington Post, August 22, 2001]

(By Larry E. Craig)

At its founding, the mission of the United Nations, as stated in its charter, was ''to save succeeding generations from the scourge of war.'' It made no claim to supersede the sovereignty of its member states. Article 2 says that the United Nations ''is based on the principle of the sovereign equality of all its Members,'' and it may not ''intervene in matters which are essentially within the domestic jurisdiction of any state.''

Since then, the United Nations has turned the principle of national sovereignty on its head. Through a host of conventions, treaties and conferences, it has intruded into regulation of resources and the economy (for example, treaties on ''biological diversity,'' marine resources and climate change) and family life (conventions on parent-child relations and women in society). It has demanded that countries institute racial quotas and laws against hate crimes and speech. Recently the United Nations tried to undermine Americans' constitutional right to keep and bear arms (with proposed restrictions on the international sale of small arms).

Fortunately, many of these have been dead on arrival in the U.S. Senate, successive presidents have refused to endorse others, and in any case the United Nations had little power of enforcement. But in 1998, one mechanism of global government came to life with the so-called ''Rome Statute'' establishing a permanent International Criminal Court. Once this treaty is ratified by 60 countries, the United Nations will wield judicial power over every individual human being—even over citizens of countries that haven't joined the court.

While the court's stated mission is dealing with war crimes and crimes against humanity—which, because there is no appeal from its decisions, only the court will have the right to define—its mandate could be broadened later. Based on existing U.N. tribunals for Yugoslavia and Rwanda, which are models for the International Criminal court, defendants will have none of the due process rights afforded by the U.S. Constitution, such as trial by jury, confrontation of witnesses or a speedy and public trial.

President Clinton signed the Rome treaty last year, citing U.S. support for existing U.N. war crimes tribunals. Many suppose the court will target only a Slobodan Milosevic or the perpetrators of massacres in Rwanda, or dictators like Iraq's Saddam Hussein. But who knows? To some people, Augusto Pinochet is the man who saved Chile from communism; to others he is a murderer. Who should judge him—the United Nations or the Chilean people?

In dozens of countries, governments use brutal force against insurgents. Should the United Nations decide whether leaders in Turkey or India should be put in the defendants' dock, and then commit the United States to bring them there? How about Russia's Vladimir Putin, for Chechnya? Or Israel's Ariel Sharon? Can we trust the United Nations with that decision?

The court's critics rightly cite the danger to U.S. military personnel deployed abroad. Since even one death can be a war crime, a U.S. soldier could be indicated just for doing his duty. But the International Criminal Court also would apply to acts ''committed'' by any American here at home. The European Union and U.S. domestic opponents consider the death penalty ''discriminatory'' and ''inhumane.'' Could an American governor face indictment by the court for ''crimes against humanity'' for signing a death warrant?

Milosevic was delivered to a U.N. court (largely at U.S. insistence) for offenses occurring entirely within his own country. Some say the Milosevic precedent doesn't threaten Americans, because the U.S. Constitution protects them. But for Milosevic, we demanded that the Yugoslav Constitution be trashed and the United Nations' authority prevail. Why should the International Criminal Court treat our Constitution any better?

Instead of trying to ''fix'' the Rome treaty, the United States must recognize that it is a fundamental threat to American sovereignty. The State Department's participation in the court's preparatory commission is counterproductive. We need to make it clear that we consider the court an illegitimate body, that the United States will never join it and that we will never accept its ''jurisdiction'' over any U.S. citizen or help to impose it on other countries.

[From the Washington Post, January 4, 2001]

UNSIGN THAT TREATY

(By John R. Bolton)

President Clinton's last-minute decision to authorize U.S. signing of the treaty creating

an International Criminal Court (ICC) is as injurious as it is disingenuous. The president himself says that he will not submit the Rome Statute to the Senate for ratification because of flaws that have existed since the treaty was adopted in Rome in 1998. Instead, he argues that our signature will allow the United States to continue to affect the development of the court as it comes into existence.

Signing the Rome Statute is wrong in several respects.

First, the Clinton administration has never understood that the ICC's problems are inherent in its concept, not minor details to be worked out over time. These flaws result from deep misunderstandings of the appropriate role of force, diplomacy and multilateral institutions in international affairs. Not a shred of evidence; not one; indicates that the ICC will deter the truly hard men of history from committing war crimes or crimes against humanity. To the contrary, there is every reason to believe that the ICC will shortly join the International Court of Justice as an object of international ridicule and politicized futility. Moreover, international miscreants can be dealt with in numerous other ways, as Serbia may now be proving with Slobodan Milosevic.

Second, the ICC's supporters have an unstated agenda, resting, at bottom, on the desire to assert the primacy of international institutions over nation-states. One such nation-state is particularly troubling in this view, and that is the United States, where devotion to its ancient constitutional structures and independence repeatedly brings it into conflict with the higher thinking of the advocates of ''global governance.'' Constraining and limiting the United States is thus a high priority. The reality for the United States is that over time, the Rome Statute may risk great harm to our national interests. It is, in fact, a stealth approach to eroding our constitutionalism and undermining the independence and flexibility that our military forces need to defend our interests around the world.

Third, the administration's approach is a thinly disguised effort to block passage of the American Servicemembers' Protection Act, introduced last year in Congress. This bill, if adopted, would unequivocally make it plain that the United States had no interests in accepting or cooperating with the ICC. Sponsored by Sen. Jesse Helms and Rep. Tom DeLay, the proposal has garnered impressive political support, including from former secretaries of State Henry Kissinger, George Shultz, James Baker and Lawrence Eagleburger, Secretary of Defense-designate Donald Rumsfeld and former secretary Caspar Weinberger and former national security advisers Zbigniew Brzezinski, Brent Scowcroft and Richard Allen.

So what will signing the Rome Statute do? The president is undoubtedly thinking of Article 18 of the Vienna Convention, which requires signatories to a treaty, before ratification, not to undertake any actions that would frustrate its objectives. President Clinton has used this provision before. After the Senate defeated the Comprehensive Test Ban Treaty, the administration cited Article 18 (rather than the president's constitutional authority as commander in chief) to justify a continued moratorium on underground nuclear testing. Obviously, the pending anti-ICC bill would divorce the United States from the court and violate Article 18, or so we will soon hear.

Relying on Article 18, which cannot sensibly apply to our government of separated powers, is wrong in many respects, not least that the United States has never even ratified this Vienna convention. Ironically, however, President Clinton's ''midnight decision'' to sign the Rome Statute provides guidance to solve the problem he has needlessly created, and others as well.

After appropriate consideration, the new administration should straightforwardly announce that it is unsigning the Rome Statute. President Clinton himself stated that he will not submit the treaty to the Senate, so this is a purely executive decision. What one president may legitimately (if unwisely) do, another may legitimately (and prudently) undo. The incoming administration seems prepared to take similar actions in domestic policy, and it should not hesitate to do so internationally as well.

Not only would an unsigning decision make the U.S. position on the ICC clear beyond dispute, it would also open the possibility of subsequently unsigning numerous other unratified treaties. It would be a strong signal of a distinctly American internationalism.

The writer, a senior vice president of the American Enterprise Institute, was assistant secretary of state for international organization affairs in the first Bush administration.

[From the Washington Legal Foundation, May 18, 2001]

THE INTERNATIONAL CRIMINAL COURT: UNDEMOCRATIC AND UNCONSTITUTIONAL

(By Lee A. Casey)

Lee A. Casey is a partner in the Washington, D.C. office of the law firm Baker & Hostetler. He served in the Department of Justice's Office of Legal Counsel and Office of Legal Policy during the Reagan and George H.W. Bush administrations. Mr. Casey writes and speaks frequently on international law and constitutional issues.

The 1998 Rome Treaty, which would establish a permanent International Criminal Court (''ICC''), creates a number of unprecedented challenges for the United States. The ICC will have the power to investigate and prosecute a series of international criminal offenses, such as ''crimes against humanity,'' heretofore enforceable only in national courts, or in ad hoc tribunals of very limited application. If the U.S. ratifies this treaty, the ICC would have the authority to try and punish American nationals for alleged offenses committed abroad, or in the United States, and that court will be entirely unaccountable for its actions. The ICC would, in fact, be in a position to punish individual American officials for the foreign policy and military actions of the United States, and would not offer even the minimum guarantees of the Bill of Rights to any of the defendants before it.

President Clinton made a serious mistake when he signed the Rome Treaty in the waning days of his Administration. The ICC treaty regime is inconsistent with the most basic political and legal principles of the United States, and U.S. ratification of this treaty would, in fact, be unconstitutional. President Bush should move forward and withdraw the Clinton signature.

United States Participation in the ICC Treaty Regime Would Threaten American Democracy. The United States was founded on the basic principle that the American people have a right to govern themselves. The elected officials of the United States, as well as its military and the citizenry at large, are ultimately responsible to the legal and political institutions established by our federal and state constitutions, which exercise the sovereignty of the American people. The Rome Treaty would erect an institution, in the form of the ICC, that would claim authority superior to that of the federal government and the states, and superior to the American electorate itself. This court would assert the ultimate authority to determine whether the elected officials of the United States, as well as ordinary American citizens, have acted lawfully on any particular occasion. In this, the Rome Treaty is fundamentally inconsistent with the first tenet of American republicanism—that anyone who exercises power must be responsible for its use to those subject to that power. The governors must be accountable to the governed.

Moreover, the ICC would be a powerful tool, for both our adversaries and our allies, to be used against the United States when states that have ratified the Rome Treaty disagree with U.S. foreign and military policy decisions. The offenses within the ICC's jurisdiction, although they are ''defined'' in the Rome Statute, are remarkably flexible in their application. As was acknowledged by the Prosecutor's office of the UN International Criminal Tribunal for the Former Yugoslavia (''ICTY''), which is widely recognized as the model for the ICC, whether any particular action violates international humanitarian norms is almost always a debatable matter and: ''[t]he answers to these questions are not simple. It may be necessary to resolve them on a case by case basis, and the answers may differ depending on the background and values of the decision-maker.'' See Final Report to the Prosecutor by the Committee Established to Review NATO Bombing Campaign Against the Federal Republic of Yugoslavia, para. 50 (June 13, 2000).

The ''values'' of the ICC's prosecutor and judges are unlikely to be those of the United States. The Rome Treaty has been embraced by many states with legal and political traditions dramatically different from our own. This includes states such as Algeria, Cambodia, Haiti, Iran, Nigeria, Sudan, Syria and Yemen, all of which have been implicated in torture or extra-judicial killings, or both. Even our closest allies, including European states following the civil law system, begin with very different assumptions about the power of the courts and the right of the accused. Nevertheless, if it is permitted to be established, the ICC will claim the power to try individual Americans, including U.S. service personnel and officials acting fully in accordance with U.S. law and interests. The court itself would be the final arbiter of its own power, and there would be no appeal from its decisions.

United States Ratification of the Rome Treaty Would Be Unconstitutional. Not surprisingly, U.S. ratification of the Rome Treaty would be unconstitutional. By ratifying that agreement, the United States would become a full participant in the ICC treaty regime, affirmatively vesting in the court jurisdiction over its nationals. At the same time, the ICC would not provide the rights guaranteed to all Americans by the Bill of Rights. There would be no jury trials in the ICC, which would follow the Continental ''inquisitorial'' system rather than the Common Law ''adversarial'' system. Moreover, that court would not guarantee Americans the rights to confront hostile witnesses, to a speedy and public trial, and against ''double jeopardy.''

For example, the Sixth Amendment guarantees a criminal defendant the right to ''confront'' all hostile witnesses, and, therefore, the right to exclude from evidence most ''hearsay'' evidence. This right is not preserved on the international level. In the ICTY, a court that, like the ICC, theoretically guarantees the right of the confrontation, both anonymous witnesses and virtually unlimited hearsay evidence have been permitted in criminal trials. Similarly, although, like the ICC, the ICTY theoretically preserves the right to a speedy and public trial, defendants often wait years in prison

for a trial, large portions of which are conducted in secret. In addition, although the Constitution's guarantee against ''double jeopardy'' prevents the prosecution in a criminal case form appealing a judgment of acquittal, acquittals in the ICC would be freely appealable by the prosecution, as they are now in the ICTY—where the Prosecutor has appealed every judgment of acquittal.

ICC supporters incorrectly suggest that U.S. participation would not be unconstitutional because that court would not be ''a court of the United States,'' to which the Constitution applies, and invariably point to extradition cases, where the Supreme Court has ruled that Americans may be extradited to face trial overseas in courts without the guarantees of the Bill of Rights. In fact, and unlike the situation in an ordinary extradition case, if the U.S. ratified the Rome Treaty, it would be a full participant in the ICC and its governing structures, and any prosecution brought by the ICC would be as much on behalf of the U.S. as any other state party.

Although the Supreme Court has not directly faced such a case, it has suggested that, where a prosecution by a foreign court is, at least in part, undertaken on behalf of the United States, for example, where ''the United States and its allies had enacted substantially similar criminal codes aimed at prosecuting offenses of international character . . .'' then the Bill of Rights would have to apply ''simply because that prosecution [would not be] fairly characterized as distinctly 'foreign.' The point would be that the prosecution was as much on behalf of the United States as of the prosecuting nation. . .'' United States v. Balsys, 525 U.S. 666 (1998). This would, of course, be exactly the case with the ICC. Since the full and undiluted guarantees of the Bill of Rights would not be available in the ICC, the United States cannot, constitutionally, ratify the ICC Treaty.

In addition, by ratifying the Rome Treaty, the United States would vest the ICC with jurisdiction over offenses committed entirely within its territory. The Supreme Court has, however, made clear that criminal offenses committed in the United States, and otherwise within the judicial power of the United States, must be tried in Article III courts, with the full panoply of the Bill of Rights. As the Court explained in the landmark Civil War cases of Ex parte Milligan (1866), 71 U.S. 2 (1866) reversing a civilian's conviction by a military tribunal, ''[e]very trial involves the exercise of judicial power,'' and courts not properly established under Article III can exercise ''no part of the judicial power of the country.'' Thus, since the ICC would not guarantee all of the protections of the Bill of Rights, and because it would not be an ''Article III'' court, the United States cannot vest that institution with any judicial authority over its nationals or its territory.

Mr. CRAIG. Madam President, last December, President Clinton deposited his signature to the Rome treaty, thereby making the United States party to the creation of a permanent International Criminal Court with unlimited jurisdiction. Once created, this court will have the right to prosecute U.S. citizens without any of the guarantees or protections provided by the Constitution. This will also affect our ability to protect men and women of our uniformed services and meet our military commitments to our allies.

President Clinton even acknowledged as he deposited his signature that the Rome treaty had, in his own words, ''significant flaws'' and would not send it to the Senate for ratification.

In his confirmation hearing testimony, Secretary Powell made it clear that the administration would not send this treaty to the Senate for ratification. However, in my opinion and the opinion of others, this is not enough. Once the 60th country ratifies the treaty, the United States and her citizens will become subject to the jurisdiction of the ICC, regardless of Senate approval under the treaty's own terms. This is precisely why we cannot simply allow the treaty to just be confirmed and collect dust. I believe it is incumbent upon all of us to try to bring, in essence, the treaty down.

U.S. Armed Forces operating overseas in peacekeeping operations could conceivably be prosecuted by the ICC for protecting the vital interests of the United States. In other words, the Senate of the United States could support our men and women going to war in a foreign nation only to have an international court rule them as criminals against the state or, in essence, criminals against the world.

Furthermore, Americans prosecuted by the ICC will not be guaranteed any of the procedural protections to which all Americans are entitled under the Bill of Rights. I can recite those for us. We have heard them all of our lives: The rights such as the right to a trial by jury or the right to a jury of one's own peers and the right to question one's accusers—that is just to name a few of the very rights that we now walk away from for our citizens if we do not stand up boldly and say the International Criminal Court should, in fact, not become an arm of the United Nations.

Currently, the Rome treaty already has 139 signatories, and over half of the necessary countries have already ratified it. In short, the ICC will soon become a reality unless we act now. The question is whether the United States will oppose it—and we have already opposed Kyoto, Biodiversity, CTBT, and other bad treaties—or whether we will simply acquiesce to it. The answer to that question is not only one of protecting our service personnel; it is also one of principle. Are we fundamentally committed to the sovereign rule of the domestic law of our country under the U.S. Constitution as opposed to global justice under the U.N. auspices? I think that is a question on which this amendment comes right to the point. And are we fundamentally committed to helping other countries establish and maintain their own constitutions and their own rule of law?

The consequence of allowing this court to come to fruition stretches far beyond the threat of prosecution of American military personnel. It will also put some of our closest allies in direct jeopardy, as we have seen in the example of the World Conference on Racism that we have heard about over the last good many months. We have seen that action taken by the United Nations and its institutions are not always impartial in their findings. In fact, at the World Conference Against Racism, language was adopted hostile to Israel, and it is not limited to the text regarding Zionism. Reference to it has attracted much attention in light of the 1975 U.N. General Assembly Resolution 3379, which passed in November of 1975, which condemned Zionism in similar though not identical terms, as ''a threat to world peace and security,'' a ''racist and imperialist ideology,'' and as ''a form of racism and racial discrimination.''

Largely due to American efforts, the General Assembly finally revoked Resolution 3379 in 1991 with a substantial vote.

Ironically, some nations that took part in the World Conference Against Racism, and who were supporters of language denouncing Zionism as racism, are currently still practicing slavery and the trafficking of human beings. As a result of this controversy over Zionism, one could easily see the International Criminal Court become nothing more than another U.N. forum for anti-Semitism where the same players that caused the United States and Israel to walk out on the World Conference on Racism would reappear. The result could be the extradition and prosecution of Prime Minister Ariel Sharon on charges of crimes against humanity for taking actions to protect the citizens of Israel against terrorism within the sovereign boundaries of his own nation. Another document connected to the Durban conference charges Israel with ''genocide'' and ''crimes against humanity''—judicial terms that directly setting the stage for a future prosecution in an international criminal court.

I will be the first to admit that atrocities are being committed in some parts of the world, and that the perpetrators of such atrocities must be brought to justice. And whenever possible the United States should serve as a facilitator for that justice to take place, and always be a shining city on a hill, a supreme example for all nations, particularly those with fledgling democracies and judicial systems. But the answer to that problem is not to create a permanent International Criminal Court with supra-national jurisdiction capable of undermining democratic governments, Constitutions, and judicial systems, just because the court is not satisfied with the outcome of a domestic ruling. Rather we should work hard to strengthen the rule of law within foreign countries, by helping them to establish their own impartial courts capable of ensuring justice for all.

When the United Nations was founded in 1945, its primary mission, as stated in the preamble of the U.N. Charter, was ''to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind.'' Initially composed only

of countries that had been allied against the Axis, it soon became seen as a dispute resolution forum for all countries.

In principle at least, the United Nations initially made no claim to supersede the sovereignty of its member states. Even its own Charter, Article 2, says that the U.N. ''is based on the principle of the sovereign equality of all its Members,'' and it may not ''intervene in matters which are essentially within the domestic jurisdiction of any state.''

That is what its charter says. Let's remember what it has done in the last few years.

Even in the U.N.'s premiere judicial body, the International Court of Justice, the principle of state sovereignty was maintained, with the Court only having limited jurisdiction in disputes between nations. It had no authority over individual citizens of those nations.

Unfortunately, in recent years the U.N. has turned the principle of national sovereignty on its head. Through a proliferating host of conventions, treaties, conferences, commissions, and initiatives, the U.N. has intruded into virtually every aspect of human life once thought to be the exclusive preserve of national governments, not to mention private citizens. These include efforts to regulate resources and the economy, for example treaties on ''biological diversity,'' the use of marine resources, and climate change. They include claims over family life, such as conventions on parent-child relations and the role of women in society. They include, under the guise of anti-racism, demands that countries institute quotas and hate crimes and hate speech laws.

While all of these on the surface appear to be good, and in many instances many of us would support them, we must stop short in saying that the U.N. has the right to bring them down on any nation and tread on that nation's sovereignty.

Recently, under the pretext of fighting illicit trafficking in weapons, the U.N. has even set its sight on undermining American's constitutional right to keep and bear arms under the second amendment.

Thankfully, many of these initiatives have been dead-on-arrival in the Senate, and successive Presidents have refused to endorse others. Moreover, despite the U.N.'s evolution toward governmental authority it had little to enforce its will. Ideas for global taxation and a standing U.N. army have so far gained little ground.

But one key mechanism of global government began to be realized in 1998 with the adoption of the so-called ''Rome Statute'' establishing a permanent International Criminal Court (ICC). Once this dangerous treaty is ratified by 60 countries, the ICC will come into existence. For the first time, the U.N. will wield a judicial power not just over nations, but directly over every individual human being. It will even claim authority over citizens of countries whose governments have refused to join the ICC. While the ICC's stated mission is dealing with war crimes and crimes against humanity—which, since there is no appeal from its decisions, only the ICC will have the right to define—nothing prevents the U.N. from broadening its mandate later. Defendants will have none of the due process rights afforded by the U.S. Constitution, a speedy and public trial, protection against double jeopardy, or protection against self-incrimination, and others previously mentioned. As with other U.N. panels, it can be expected that it will include ''justices'' from countries notorious for their human rights abuses.

It is tempting for many to suppose the ICC will only target the likes of a Slobodan Milosevic or the perpetrators of massacres in Rwanda, or maybe rogue state dictators like Iraq's Saddan Hussein, Libya's Muammar Qadhafi, or Cuba's Fidel Castro. But who can be sure that will be their only target? To some people, former Chilean Dictator Augusto Pinochet is a patriot who saved his country from a communist coup.

Again, in the eyes of the beholder, what is he? There are different opinions and different attitudes. Who has responsibility? I would suggest that the U.N. should not be allowed to be the judge, or that the U.N. should not be allowed to be the court. Ultimately, the people of Chile; in this case, Pinochet. They were the people who made the decisions. They were the judges.

In dozens of countries governments enjoy brutal force to suppress violent insurgencies. Should we empower the U.N. to decide whether the military authorities in Algeria, Turkey, Macedonia, Sri Lanka, China, and India should be put in the defendants' dock, and then commit the United States to employ sanctions or even military force to bring them there? How about Russia's Vladimir Putin for his war in Chechnya? Or Israel's Ariel Sharon for his war against the Palestinian intifada? Are we ready to trust the U.N. to tell us who should be prosecuted and who shouldn't? Critics of the ICC rightfully cite the danger it presents to the safety of U.S. military personnel. What will be the consequences for U.S. national defense and our alliance obligations? Since the death of even one person can qualify as a war crime or even genocide in the ICC, how can we be sure a U.S. soldier serving abroad will not be indicted for what we see as just doing their duty?

The ICC applies not just to soldiers, and not just to acts committed abroad; it also would apply to acts ''committed'' by any American here at home.

Let me suggest, Is this a stretch of my imagination? It is not. Statements are broad. The argument of authority within the Rome treaty is broad.

Even today, our friends in the European Union join domestic critics in branding the death penalty in the United States as ''discriminatory'' and ''inhumane.'' My guess is some of our colleagues would agree with that, while others would not.

Who can guarantee that an American Governor might not face an indictment by the ICC for ''crimes against humanity'' for signing a death warrant, or that someday, under some foreign judge's idea of ''arms trafficking,'' a U.N. court will not demand the extradition of a private American citizen for selling a gun to his neighbor?

It has been suggested that Milosevic's extradition does not set an ICC precedent threatening U.S. citizens because they will be protected by the U.S. Constitution. But why? In the Milosevic case, we demanded that the newly established Yugoslav Constitution be trashed for the authority of the United Nations. We are not defending a constitutional right at that point; we are simply saying that an international body has a higher authority. Once the ICC is up and running, why should we assume that our Constitution would not be thrown in the trash as well as that of Yugoslavia? Nothing in the treaty requires them to respect us and to respect our Constitution and our citizens' rights.

Trying to ''fix'' the Rome treaty's flaws so we can live with it is like zipping a silk purse out of a sow's ear or putting lipstick on that little piggy. Instead of mistakenly trying to fix the Rome treaty's flaws, the United States must recognize that the ICC is a fundamental threat to American sovereignty and civil liberty, and that no deal, nor any compromise, is possible. We need to make it clear that we consider the ICC an illegitimate body, that the United States will never become part of it, and that we will never accept its jurisdiction over any U.S. citizen or help to impose it on other countries. President Bush has flatly rejected the Kyoto global warming convention. It is no less urgent that we act as forthrightly on the ICC.

According to the administration, the State Department is already engaging in what we call low-level participation in the ICC Preparatory Commission. Why are we helping to establish an institution that is created by a treaty that the administration has stated they will not send to the Senate for ratification? Any kind of participation that would lend legitimacy to the Rome treaty would be a mistake and would send a wrong message to our friends in the international community.

That is why during my recent meeting with Secretary Powell, and in my own op-ed that was published on August 22 in the Washington Post, I have encouraged the administration to remove our signature from the Rome treaty and to discontinue assistance to

the International Criminal Court's Preparatory Commission. Such a statement of policy would send a clear signal to those countries that are currently wrestling with the issue of ratification that the United States does not support the creation of the Court. This clear signal has already been sent by the House of Representatives earlier this year when they passed an amendment, with overwhelming bipartisan support, to the State authorization bill that prohibits cooperation with the International Criminal Court.

To complement the administration's efforts, and the efforts of the House of Representatives, I am offering this first- and second-degree amendment to Commerce-State-Justice, and the Judiciary appropriations bill that would prohibit funding to the International Criminal Court and its Preparatory Commission. I have discussed this issue with Senator HELMS. He and many others have indicated their strong support for the proposal.

When we stand to cast a vote on these amendments, we literally are voting about American sovereignty. My guess is, when the dust settles and the stories are written and this amendment is analyzed, that is exactly how it will be viewed. It is a vote to protect the men and women of our Armed Forces—without question—and a vote to protect our allies that have become subject to the Court.

I will be darned if American sovereignty and the U.S. Constitution become subject to an International Criminal Court on my watch. And I would hope all of my colleagues would agree.

The creation of an international court is not a foregone conclusion. We can intervene. We can state a position. We can ask that we step back and withdraw our signatures from this critical action and say to all the world that we will not support an International Criminal Court's ratification, and we would ask other nations in the world to act accordingly.

Madam President, at this time I know of no others in this Chamber who wish to debate this issue, so I ask unanimous consent to temporarily set aside my amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CRAIG. I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1538

Mr. SMITH of New Hampshire. Madam President, on behalf of Senators HARKIN, WARNER, INHOFE, COCHRAN, and myself, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself, Mr. HARKIN, Mr. WARNER, Mr. INHOFE, and Mr. COCHRAN, proposes an amendment numbered 1538.

Mr. SMITH Of New Hampshire. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide protection to American Servicemen who were used in World War II as slave labor)

At the appropriate place, add the following:

SEC. . None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

Mr. SMITH of New Hampshire. Madam President, there are many things that happen in war of which, when we look back, many of us on both sides of the aisle are not always proud. But I want to point out that sometimes things happen that must be corrected just because it is the right thing to do. This amendment I am offering is likely to be mischaracterized. There will be a lot of things said about what my amendment does not do. I want to make sure everybody understands what my amendment does. This concerns something that happened during World War II. I want to refer to it before I go to the actual context of the amendment.

There is an article written by Peter Maas I want printed in the RECORD which is entitled ''They Should Have Their Day In Court.'' I ask unanimous consent a copy of that article be printed in the RECORD. It is a Parade magazine article.

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

[From Parade Magazine, June 17, 2001]

THEY SHOULD HAVE THEIR DAY IN COURT

(By Peter Mass)

Tears suddenly fill Lester Tenney's eyes. ''I'm sorry,'' he says. ''It's been a long time, but it's still very hard sometimes to talk about.'' All I can do is nod dumbly. Words fail me as I listen to the horror he is describing.

On April 9, 1942, Tenney, a 21-year-old Illinois National Guardsman, was one of 12,000 American soldiers who surrendered to the Japanese at the tip of Bataan Peninsula, which juts into Manila Bay in the Philippines. Ill-equipped, ill-trained, disease-ridden, they had fought ferociously for nearly five months against overwhelming odds, with no possibility of help, until they ran out of food, medical supplies and ammunition.

As prisoners of war, Tenney among them, they were taken to a prison camp by the Japanese army on what became infamous as the nine-day, 55-mile-long Bataan Death March, during which 1000 of them perished. The atrocities they suffered have to some extent been revealed. But what happened afterward—when they were forced into inhuman slave labor for some of Japan's biggest corporations—remains largely unknown. These corporations, many of which have become global giants, include such familiar names as Mitsubishi, Mitsui, Kawasaki and Nippon Steel.

Through interviews with former POWs and examinations of government records and court documents, I learned that in 1999 Tenney had filed a lawsuit for reparations in a California state court. His suit was followed by a number of others by veterans who had suffered a similar fate. The Japanese corporations, instead of confronting their dark past, went into deep denial. Represented by American law firms, they maintained that, by treaty, they didn't owe anybody anything—not even an apology.

Surprisingly, the U.S. government stepped in on behalf of the Japanese and not only had these lawsuits moved to federal jurisdiction but also succeeded in getting them dismissed by Vaughn R. Walker, a federal judge in the Northern District of California. In his ruling, Judge Walker declared in essence that the fact that we had won the war was enough of a payoff. His exact words were ''The immeasurable bounty of life for themselves [the POWs] and their posterity in a free society services the debt.'' In applauding the judge's decision, an attorney for Nippon Steel was quoted as saying, ''It's definitely a correct ruling.'' She did not dwell on what these men had gone through.

What befell Lester Tenney as a POW was by no means unique. He got an inkling of what was to come on that April day in 1942 when he surrendered and one of his captors smashed in his nose with the butt end of a rifle. Forced to stumble along a road of crushed rock and loose sand, the men—wracked with malaria, jaundice and dysentery—were given no water. Occasionally, they would pass a well. Anyone who paused to scoop up a handful of water was more likely than not bayoneted or shot to death. The same fate awaited most POWs who could no longer walk. ''If you stopped,'' Tenney recalls, ''they killed you.''

As Tenney staggered forward, he saw a Japanese officer astride a horse, wielding a samurai sword and chortling as he tried, often successfully, to decapitate POWs. During a rare respite, one prisoner was so disoriented that he could not get up. A rifle butt knocked him senseless. Two of his fellow POWs, were ordered to dig a shallow trench, put him in it and bury him while he was still alive. They refused. One of them immediately had his head blown off with a pistol shot. Two more POWs were then ordered to dig two trenches—one for the dead POW, the other for the original prisoner, who had begun to moan. Tenney heard him continue to moan as he was being covered with dirt.

Tenney was one of 500 POWs packed into a 50-by-50-foot hold of a Japan-bound freighter. The overhead hatches were kept closed except when buckets of rice and water were lowered twice daily. Each morning, four POWs were allowed topside to hoist up buckets of bodily wastes and the corpses of anyone who had died during the night, which were tossed overboard.

In Japan, the prisoners were sent to a coal mine about 35 miles from a city they had never heard of, called Nagasaki. The mine was owned by the Mitsui conglomerate, which is today one of the world's biggest corporations. You see the truck containers it builds on every highway in America. The mine was so dangerous that Japanese miners refused to work in it.

The Geneva Convention of 1929 specified that the POWs of any nation ''shall at all times be humanely treated and protected'' and explicitly forbade forced labor. Japan, however, never ratified the treaty. That was how it justified putting POWs to work during World War II, freeing up able-bodied Japanese men for military service.

Lester Tenney and his fellow POW slave laborers worked 12-hour shifts. Their diet, primarily rice, amounted to less than 600 calories a day. This was subsequently reduced

to about 400 calories. When he was taken prisoner, Tenney weighed 185 pounds. When he was liberated in 1945, he weighed 97 pounds.

Vicious beatings by Mitsui overseers at the mine were constant. Tenney's worst moment came when two overseers decided he wasn't working fast enough and went at him with a pickax and a shovel. His nose was broken again. So was his left shoulder. The business end of the ax pierced his side, just missing his hip bone but causing enough internal damage to leave him with a permanent limp.

Frank Bigelow was a Navy seaman on the island fortress of Corregodor in Manila Bay. It was lost about a month after Bataan fell, so Bigelow escaped the Death March. But he ended up in the same Mitsui coal mine as Tenney. He was in the deepest hard-rock part of the mine when a boulder toppled onto his leg, snapping both the tibia and fibula bones 6 inches below the knee. A POW Army doctor, Thomas Hewlett, was refused plaster of Paris for a cast. Hewlett tried to construct a makeshift splint, but it didn't work. Bigelow's leg began to swell and become putrid. Tissue-destroying gangrene had set in.

With four men holding Bigelow down, Hewlett performed an amputation without anesthesia, using a razor and a hacksaw blade. Bigelow recalls: ''I said, 'Doc, do you have any whiskey you could give me?' and he said, 'If I had any. I'd be drinking it myself.' '' To keep the gangrenous toxins from spreading, Hewlett packed the amputation with one item readily available in the prison camp—maggots. Bigelow still can't comprehend how he withstood the excruciating pain. ''You don't know what you can do 'till you do it,'' he says.

Another seaman, George Cobb, was aboard the submarine *Sealion* in Manila Bay when it was sunk in an air attack three days after Pearl Harbor. Cobb was shipped to a copper mine in northern Japan owned by the Mitsubishi corporate empire. Clad only in gunnysacklike garments, the POWs had to trudge to the mine through 10-foot-snowdrifts in bitter winter cold. Of 10 captured *Sealion* crewmen. Cobb is the sole survivor. ''I try not to remember anything,'' he says. ''I want it to be a four-year blank.''

One day in August 1945, Lester Tenney and his fellow POWs saw a huge, mushroom-shaped cloud billowing from Nagasaki. None of them, of course, knew it was the atom bomb that would end the war. They found out on Aug. 15 that Japan has surrendered when they were given Red Cross food packages for the first time during their long captivity. They then found a nearby warehouse crammed with similar packages and medical supplies that had never been distributed. They also would learn that the Japanese high command had a master plan to exterminate all the POW slave laborers, presumably to cover up their horrific ordeal.

After the POWs returned home, they were given U.S. government forms to sign that bound them not to speak publicly about what had been done to them. America was in a geopolitical battle with the Soviet Union and, later, Red China for the hearts and minds of the postwar Japanese and did not want to do anything that might prove offensive to our recent enemy. The State Department's chief policy adviser to Gen. Douglas MacArthur, who headed up the occupation of Japan, rhetorically asked: ''Is it believed that a Communist Japan is in the best interests of the United States?''

But Tenney, possibly because of his extended hospitalization, never got one of those forms. In 1946 he wrote a letter to the State Department citing his experience and requesting guidance on how to mount claims against those who had beaten, tortured and enslaved him. The State Department replied that it was looking into the matter and advised him not to retain an attorney.

Hearing nothing further, Tenney, a high school dropout, decided to get on with his life. He eventually earned a Ph.D. in finance and taught at both San Diego State University and Arizona State University. Meanwhile, the U.S. and Japan finalized a peace treaty in 1951.

Two years ago, Tenney read that the U.S. government not only had successfully worked on behalf of Holocaust victims in Europe but also was brokering an agreement with Germany to compensate those forced into slave labor during the Nazi regime. It was then that he filed his own lawsuit against Mitsui.

The U.S. State Department and Justice Department intervened for the Japanses corporate defendants on the basis of the 1951 treaty, a clause of which purports to waive all future restitution claims. But the treaty contains another clause, which the U.S. government to date has chosen to ignore, stating that all bets would be off if other nations got the Japanese to agree to more favorable terms than our treaty. Eleven nations—including the then Soviet Union, Vietnam and the Philippines—got such terms.

There is still hope for the surviving POWs, their widows and heirs. Last March, two California Congressmen, Republican Dana Rohrabacher and Democrat Mike Honda, cosponsored a bill (H.R. 1198) calling for justice for the POWs.

Notably, Honda is a Japanese-American who, as an infant, was interned by the U.S. with his mother and father during World War II. The U.S. has since paid each surviving internee $20,000 in restitution and, perhaps more important, acknowledged that the internment was wrong. ''I believe,'' Honda told me, ''that these POWs not only fought for their country but survived, and now they are trying to survive our judicial system. They should have their day in court.''

Mr. SMITH of New Hampshire. Madam President, I think most of us are familiar with or have heard discussions about the Bataan Death March. That was a terrible experience for a lot of American GIs. But I think what happened after the Bataan Death March, to some of those same people, and others, is particularly outrageous.

I want to refer to a couple of paragraphs from this article because it certainly sums up why they should have their day in court and what exactly we are talking about with regard to these American GIs and POWs. Let me read a couple of paragraphs.

On April 9, 1942, a gentleman by the name of Lester Tenney, one of 12,000 POWs, American soldiers, surrendered to the Japanese at the tip of Bataan Peninsula. They were taken to a prison camp by the Japanese Army on what became infamous as the 9-day, 55-mile-long Bataan Death March during which 1,000 of them perished. I will not go into all of the details, but a few details will show why a day in court is justified and is important. The atrocities they suffered—some have been revealed; some have not—and what happened afterward, where they were forced into slave labor camps for some of Japan's biggest corporations, remains largely unknown. Frankly, until I got involved in this a few months ago, I didn't know some of this had happened.

Many of these corporations have become global giants today, including some names that would certainly get one's attention: Mitsubishi, Matsui, Kawasaki, and Nippon, to name just a few.

Through interviews with former POWs, we have come to learn a lot. But to my amazement, the United States Government stepped in on behalf of the Japanese and not only had lawsuits thrown out to get reparations for what happened—they moved to Federal jurisdiction—but also succeeded in getting them dismissed. I found that particularly outrageous. This is all pointed out by Mr. Maas in his article.

I want to quote one paragraph as to what happened during that march and then go into a little bit about what happened after the Bataan Death March:

What befell Lester Tenney as a POW was by no means unique. He got an inkling of what was to come on that April day in 1942 when he surrendered and one of his captors smashed his nose with the butt end of a rifle. Forced to stumble along a road of crushed rock and loose sand, the men—wracked with malaria, jaundice and dysentery—were given no water. Occasionally, they would pass a well. Anyone who paused to scoop up a handful of water was more likely than not bayoneted or shot to death. The same fate awaited most POWs who could no longer walk. ''If you stopped,'' Tenney recalls, ''they killed you.''

As Tenney staggered forward, he saw a Japanese officer astride a horse, wielding a samurai sword and chortling as he tried, often successfully, to decapitate POWs. During a rare respite, one prisoner was so disoriented that he could not get up. A rifle butt knocked him senseless. Two of his fellow POWs were ordered to dig a shallow trench, put him in it and bury him while he was still alive. They refused. One of them immediately had his head blown off with a pistol shot. Two more POWs were then ordered to dig two trenches—one for the dead POW, the other for the original prisoner, who had begun to moan. Tenney heard him continue to moan as he was being covered with dirt.

Tenney was one of 500 POWs packed into a 50-by-50-foot hold of a Japan-bound freighter. The overhead hatches were kept closed except when buckets of rice and water were lowered twice daily. Each morning, four POWs were allowed topside to hoist up buckets of bodily wastes and the corpses of anyone who had died during the night. . . .

This is what happened to them after the Bataan Death March. When they survived that, they were put on these freighters and taken into these coal mines and basically made slaves.

Vicious beatings by Mitsui overseers at the mine were constant. Tenney's worst moment came when two overseers decided he wasn't working fast enough and went at him with a pickax and a shovel. His nose was broken again. So was his left shoulder. The business end of the ax pierced his side, just missing his hip bone but causing enough internal damage to leave him with a permanent limp.

Most of us are familiar enough with stories that came out of the Bataan Death March to know what happened there. But to think of surviving that 55-mile trek over a 9-day period, basically being bayonetted if you helped a

friend who fell down or beaten or whatever, to survive all of that and then be placed into camps, slave labor camps on behalf of these corporations by these corporations.

I want to read the amendment I am offering because it is important to understand what the content is. All it says is:

None of the funds made available in this act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as a slave or forced labor.

All this says is that no funds will be used to block the right of these folks to go to court. It doesn't provide any money to anybody. It doesn't assume that anybody is going to win this case. It doesn't do any of that. We are probably going to hear that. That is not the case.

All it says is that the State Department stays out of it, the Justice Department stays out of it, and these folks are allowed to have their day in court.

Let me explain why I introduced this amendment. As I said, to go through what they went through in the Bataan Death March, and then to be put into slave camps by Japanese companies was atrocious. I want to make clear what I mean by Japanese corporations. War is a terrible reality. I have said that. What happens during war is tragic, and sometimes it just happens. There is not a heck of a lot you can do about it. What happened in World War II at the hands of these private Japanese companies is especially tragic because there has never been anything done about it. We are not talking about the Japanese Government torturing American prisoners. I want to make that clear. The war is over. A treaty was signed. Whatever happened, happened. That is behind us.

What we are talking about is private Japanese corporations, many of which exist today, corporations that Americans know and trust, who used Americans as slaves, who should have been offered protection under the Geneva Convention—not the Japanese Government, please understand, the Japanese corporations.

Out of the 36,000 U.S. soldiers who were captured by the Japanese, 5,300 roughly are alive today. They are not getting any younger.

Several of those veterans live in New Hampshire. I was astounded to find out that eight or nine of them do actually live in New Hampshire. I am sure they can be found in every State in the Union. I met with some of those veterans during the August recess. It was a very emotional meeting, but the interesting thing about it, there was no anger presented to me about what happened in the war. The anger and frustration that was expressed to me was what happened with these private companies that went beyond what happened in the war.

Arthur Reynolds from Kingston, NH, spent 3½ years as a POW, 2 years of which he spent shoveling coal under unspeakable conditions for a private Japanese company. He lost 100 pounds in captivity and weighed less than 100 pounds when he was liberated. He survived on barely 500 calories a day, suffered countless beatings. Now he is being told by his Government—not the Japanese Government, the United States Government—that they are on the side of the Japanese corporation that enslaved him.

I say to my colleagues, that is just flat out wrong. Whatever happens in the courtroom happens in the courtroom. That is why we have lawyers on both sides. But what we are talking about here is the right to sue.

That is what we are talking about—not the right to have a victory when you sue, just the right to sue. However you feel, I have some very strong feelings that they should win this case and many Americans—most, I hope—also do. We are not asking for a victory, as much as I would like to see it. We are asking for the right to sue.

Arthur is 85 years old. How much longer is Arthur going to live? Manford Dusett from Seabrook, NH, spent 3½ years as a POW. Like Arthur Reynolds, he is a survivor of the Bataan Death March and the so called hell ships that transported the prisoners to Japan. He was forced to work in a coal mine for 10 to 12 hours a day, with almost no food and under the worst imaginable conditions. He suffered a broken leg in the mine. Frankly, he is lucky to be alive today. He was able to get just enough medical treatment to survive. Manford, as his colleague, weighed less than 100 pounds when he was released. There were others from New Hampshire. This gentleman in the picture here is Roland Stickney from Lancaster. I met with him. There are others from New Hampshire: Roland Gagnon from Nashua, Roland Stickney from Lancaster, Arthur Locke from Hookset, Wesley Wells from Hillsburo, Bill Onufrey from Freedom, Ernest Ouellette of Boscawen, and I am sure I missed a few. I tried to find everybody.

My colleagues who might be familiar with the plight of these veterans, I have submitted for the RECORD the Parade magazine article. It is important you read that to understand not only what happened to them in the Bataan Death March but, after that, how they survived when they were put on those ships. Imagine being taken in those ships to the coal mines and other places where they were reported to work as slaves.

These veterans are seeking compensation through our legal system—that is all they are doing—from the Japanese corporations that used them as slave laborers. That is all they are doing. Yet, believe it or not, our Government, the U.S. Government, is trying to stop that. They are opposing veterans' efforts to seek proper redress through our judicial system. Is that constitutional?

Should our Government be stopping a private citizen from seeking his or her day in court for a grievance? I don't think so. I think it is wrong. I am, frankly, ashamed it is happening, which is why I am on the floor of the Senate. I am not here to redebate the war, refight the war, or bring up and point out the atrocities of the war. That is not why I am here. I don't think the veterans would want me to do that. The State Department facilitated, ironically, a recent agreement between German companies and their victims who were used as slave laborers during World War II. I commend them for that. That was the right thing to do.

Last year this body passed S. Con. Res. 158, introduced by my colleague and good friend, Senator HATCH, and urged the Secretary of State to facilitate discussions between these veterans and the guilty corporations. But the State Department chose to ignore this recommendation, unlike what they did in the German case. When it comes to the Japanese case, they chose to ignore this. In the case of the Japanese companies, the State and Justice Departments argued—listen carefully—that the private claims of the veterans were waived by the 1951 peace treaty with Japan. I will repeat that because it is very important to the whole discussion of this case. The State and Justice Departments argued that the private claims of veterans were waived by the 1951 peace treaty with Japan. I am going to say, with the greatest respect, that that is flatout wrong. Their rights were not waived. Why do they maintain this position then?

Let me read from the 1951 peace treaty, article 14(b). Let me read from article 14(b) in the 1951 peace treaty:

[E]xcept as otherwise provided in the present Treaty, the Allied Powers waive all reparation claims of the Allied Powers, other claims of the Allied Powers and their nationals arising out of any actions taken by Japan and its nationals in the course of the prosecution of the war and claims of the Allied Powers for direct military costs of occupation.

If I had only read article 14(b), which I just read, I might have agreed—and probably would have—that the claims of these veterans were waived by the treaty because that is what it sounds like. But the issue is a lot deeper than that. So if someone is going to read article 14(b) on the Senate floor and say, therefore, these claims are waived, then we have to go beyond that. Let me go beyond that:

Article 14(b) does not waive private claims against private Japanese companies.

Don't be mistaken. The State Department knew this in 1951 when the treaty was signed. In fact, John Foster Dulles, the chief negotiator for the treaty—prior to his being Secretary of State—orchestrated a confidential exchange of diplomatic notes between the Japanese and the Dutch to address this very issue in 14(b). In short, the Dutch didn't want any part of 14(b). They refused to waive the private claims of

their nationals because, as the United States—remember the fifth amendment?—the Dutch were constitutionally barred from doing so without due process of law. So they had a constitutional problem like we have. They can't waive the private claims. Fortunately, the diplomatic notes—and this is what burns me up, frankly, if I may say it as nicely as I can. We find so much information classified in Government. It is the old cover-your-you-know-what routine. That is why we keep it classified. There are legitimate reasons to classify materials, but 50 years later we finally get the truth declassified. All these guys, for all these years, were being denied their day in court when the truth was buried in the classified files. It is just absolutely unbelievable. I am not saying I am the first to find it. I know lawyers have found it for the others, for those doing this, those who are suing. But let me go right at it.

What did those diplomatic notes say? We have it right here. This is September 7, 1951, just declassified in 2000, 50 years later, after all these guys have fought all these years trying to get reparations, and most of them have died. Only 5,300 remain out of 12,000. Here we are. I will read this letter:

Dear Mr. Prime Minister,

I beg to draw the attention of Your Excellency to the paragraph in the address to President and Delegates of the Peace Conference I made yesterday, reading as follows:

''Some question has arisen as to the interpretation of the reference in article 14(b) to ''claims of Allied Powers and their nationals''—

It sounded as if we waived everybody's rights—

which the Allied Powers agree to waive.

It is my Government's view that article 14(b) as a matter of correct interpretation does not involve the expropriation by each Allied Government of the private claims of its national so that after the Treaty comes into force these claims will be non-existent.

The question is important because some Governments, including my own, are under certain limitations of constitutional and other governing laws as to confiscating or expropriating private property of their nationals.

Signed by the Prime Minister of Japan.

This one is signed by Dirk Stikker, Minister of Foreign Affairs of the Netherlands. A copy was sent to the Japanese Government. It says, in part:

Also, there are certain types of private claims by allied nationals, which we would assume the Japanese Government might want voluntarily to deal with in its own way as a matter of good conscience or of enlightened expediency . . . .

And so forth.

To get to the fourth chart, this is from the Prime Minister of Japan to the Dutch, and I will read this portion outlined:

With regard to the question mentioned in Your Excellency's note, I have the honor to state as follows:

In view of the constitutional legal limitations referred to by the Government of the Netherlands, the Government of Japan does not consider that the Government of the Netherlands by signing the Treaty has itself expropriated the private claims of its nationals so that, as a consequence thereof, after the Treaty comes into force these claims would be nonexistence.

The Japanese Government is saying that:

However, the Japanese Government points out that, under the Treaty, Allied nationals will not be able to obtain satisfaction regarding such claims, although, as the Netherlands Government suggests, there are certain types of private claims by Allied nationals which the Japanese Government might wish to voluntarily deal with.

These two documents remained classified for 50 years while these guys tried for 50 years to get their day in court. Our own Government would not give these documents to our own soldiers. What an outrage that is. That is an absolute outrage.

The 1951 peace treaty in no way obligates the Government of Japan to pay any private claims. I admit that. It does not obligate them to do anything. We are not talking about the Government of Japan.

At the same time, the treaty does not waive private claims against private Japanese companies, as the State and Justice Departments would like you to believe, and it is right there in declassified documents finally after 50 years.

How is an exchange of diplomatic notes between the Government of Japan and the Government of the Netherlands relevant to the United States and its citizens? Good question. The answer lies in article 26 of the peace treaty, and this is what article 26 says:

Should Japan make a peace settlement or war claims settlement with any state granting that state greater advantages than those provided by the present treaty, those same advantages shall be extended to the parties of the present treaty.

In other words, if they make a deal with the Netherlands, it does not involve anybody else who has the same constitutional problems. This occurred in an exchange of diplomatic notes. Japan made it clear the treaty did not waive the private claims of Dutch citizens, and article 26 automatically extends this to American citizens. Pure and simple. End of story.

This would have been resolved 20 or 30 years ago if somebody had just declassified these documents. If somebody can please tell me why these documents were classified for 50 years because of national security, I will be happy to say we should classify them again.

The Departments of State and Justice are on the side of Japanese corporations. That is what this amendment is about: Are you on the side of our Justice Department and State Department that are on the side of the Japanese corporations that did this to our Americans, against the intent of that treaty, or are you on the side of the American GIs and POWs who for 50 years have been denied their day in court?

That is it. There is nothing complicated about my colleagues' vote on this one. That is it: You are either for the American GIs who served and were prisoners and were slaves or you are on the side of the Japanese corporations that put them in slave camps and your own Justice Department and State Department which kept the documents classified for 50 years so they could not get their day in court. Whose side are you on? That is it. There is nothing complicated about it.

What has happened is wrong. It goes against the historical record, and my amendment simply prevents the unnecessary interference of the Departments of State and Justice in this case. I repeat, because it is very important to understand, I do not predetermine the outcome with my amendment.

Before I yield the floor, I want to repeat what the amendment says so that everybody understands it:

None of the funds made available in this act—

The underlying legislation, the Departments of Commerce, Justice, State—

None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action . . . .

In other words, we do not want Justice and State to come in now and oppose the action of this court, of these men, mostly men. Why? Because for 50 years these documents were classified and they did not even have the opportunity to do it. We did them a disservice. These are men who fought and suffered horribly in a terrible war.

I urge my colleagues to please read my amendment when you come down to the Chamber to vote to give these men—brave men, heroes—the opportunity to go to court under the terms of the 1951 treaty, and give them an opportunity to be heard. That is all we are doing.

I also want to point out in all that—I did not say it at the time, but to give a little bit more credence to the argument, guess who drafted the memos we are talking about between the Dutch and the Japanese. Who was involved in that draft? None other than John Foster Dulles. That is the great tragedy of this. John Foster Dulles himself participated in the draft of those documents. We have all the evidence to that as well.

I hope my colleagues in the Senate will say to Justice and State: Step aside; it is the right thing to do. You kept this secret all these years by classifying documents and did not allow our guys a day in court. Step aside; do the decent thing and let these men go to court, as it is determined under the treaty we now know, and allow them to sue. If they lose, they lose. If they win, they win, but just let them go to court.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I thank my colleague and friend, the Senator from New Hampshire, Mr. SMITH, for proposing this important legislation and for offering this amendment today, which I am proud to cosponsor.

Before I get into the need for the amendment and perhaps repeat some of the facts that the Senator from New Hampshire brought up, let me take a minute to summarize what happened in the Philippines and Japan between 1942 and 1945.

On March 11, 1942, Gen. Douglas MacArthur reluctantly left behind thousands of American troops in the Philippines. Arriving in Melbourne, Australia, he pledged, of course, those famous words: ''I shall return.''

General MacArthur did return. He liberated the Philippines and rolled back the forces of imperial Japan. Sadly, MacArthur was too late for the hundreds who had died in the infamous Bataan Death March. In that 3-day forced march, American troops were denied food and water, beaten and bayoneted if they fell to the ground. As many as 700 Americans lost their lives in those 3 days.

It also was too late for the thousands who lost their lives on the so-called hell ships that transported surviving POWs to Japan and Japanese-occupied territories. Packed into cargo holds, American POWs struggled for air, as temperatures reached 125 degrees. Almost 4,000 American servicemen would lose their lives just on these journeys in these cargo ships.

Those who survived Bataan and the hell ships would find little rest as Japanese POWs. For more than 3 years, they would serve as slave labor for private Japanese companies, the same companies whose names we revere today and whose products we buy daily, weekly, and monthly in the United States: Matsui, Mitsubishi, Nippon, and others.

Throughout the war, Americans worked in the mines of these companies, their factories, their shipyards, their steel mills. They labored every day for 10 hours or more a day in dangerous working conditions. Some of those who went into the mines were sent into the mines because it was too dangerous for Japanese to work in them. So they sent the American POWs into the coal mines to dig the coal. They were beaten on a regular basis.

Frank Exline of Pleasant Hill, IA, was one of those POWs. A Navy seaman who was captured April 9, 1942, Frank spent 39 months working for Japanese companies in Osaka, Japan. He began on the docks unloading rock salt and keg iron. Later, he found himself toiling in the rice fields. He was fed two rice bowls a day and given very little water.

During his time with these Japanese companies, Frank was tortured and beaten, once for stealing a potato. Upon being caught, the potato was shoved in his mouth as he was forced to stand at rigid attention directly in the sun for 45 minutes. If he moved or even blinked, he was hit in the face.

Then there is Frank Cardamon of Des Moines, a marine who was stationed in China. His ship was sent back to the U.S. to get more supplies. When it stopped in the Philippines, of course, the ship was attacked and captured. Frank was captured at Corregidor and sent to Japan to work in an auto parts factory and then in the lead mines.

He was never paid for his work, fed two cups of rice a day, and went from 160 pounds to 68 pounds in his 3 years of capture. These men tell me they survived on sheer will, not on the food.

Last month in Iowa, as Senator SMITH did in New Hampshire, I met with three other POWs and their families on this issue. I met with William McFall of Des Moines, who received a Purple Heart and numerous other medals. He worked in the coal mines and told me about how dangerous it was working in the coal mines.

I met with the sisters of Jon Hood, a Navy seaman forced to work on the shipping docks. I met with Gene Henderson of Des Moines. He actually was not in the military. He was a civilian employee at the Pacific Naval Air Base on Wake Island. Gene Henderson was captured and sent to China to work on Japanese artillery ranges before he was sent to work in the iron ore pits in Japan.

Although she could not attend the meeting I held, Margaret Baker of Oelwin, IA, wrote me a letter in June about her late husband Charles Baker. Charles Baker, who was an Army private, survived the Bataan Death March before he was sent to work in the mines in Japan for 3 years. He died at age 54 in 1973. In her letter she wrote:

> He suffered many injuries and hunger on the Death March during his imprisonment. We feel that his early death was caused by the suffering that he endured while working long hours in the mines, without food, rest and clothing.

I speak for this amendment and support it on behalf of these veterans and their families. These men and 700 of their fellow prisoners of war and their families are now seeking long delayed justice. They have gone to court to ask for compensation from the Japanese companies that used them as slave laborers during the war.

They deserve their day in court. Yet as the Senator from New Hampshire has pointed out, our own State Department has come down on the side of the Japanese companies, not our POWs. The State Department has taken the view that the peace treaty signed in 1951 prohibits reparations from private Japanese companies for survivors such as Frank Cardamon or Gene Henderson. In fact, State Department officials have submitted statements to the Court in support of the view of the Japanese companies. I do not think that is right. I do not think it is fair. That is why I am a cosponsor of Senator SMITH's amendment that would stop the State Department and the Department of Justice from using taxpayer dollars to defend the interests of these Japanese companies.

I might add, the House passed this amendment in July by an overwhelming 393-to-33 vote, an amendment stating the State Department should not be allowed to use our tax dollars to fight against our American POWs in court. Now again, as Senator SMITH said, I am sure while we both believe the Japanese companies ought to pay reparations and ought to pay these POWs for the slave labor they provided during the war, that is not what our amendment says. Our amendment simply says let them go to court; let them make their case; let the Japanese companies come in and defend themselves, if they will.

That is all we are asking. We are not preconditioning the outcome. We are not setting up any kind of a standard by which they will be held in one view over the Japanese companies. We are simply saying let them have their day in court. We are saying our State Department should not be intervening in State or Federal courts against these POWs. Let the POWs have their own arguments and their day in court, and let us keep our State Department out of it.

These men courageously served our country. They endured unspeakable, wretched conditions as slave laborers for these Japanese companies. MacArthur was forced to leave them behind in 1942. In 2001, let us not leave them behind one more time. Let us give them their day in court.

My colleague has given all of the arguments. He has outlined what the treaty said in article 14(b). He laid out very cogently and clearly the side agreements that had been done by John Foster Dulles, at that time the chief negotiator for the allied nations, whose letters and side agreements were not brought to light until April of last year. So for all of these years these POWs and their lawyers really perhaps did not have a leg to stand on because of this treaty, but then after April of 2000 we found out the Japanese had made an agreement with the Government of the Netherlands to allow the private citizens of the Netherlands to pursue their private claims.

Then article 26 of the 1951 peace treaty sort of trumps article 14(b). Now article 14(b), as Senator SMITH pointed out, basically said: The allied powers waive all reparation claims of the allied powers, other claims of the allied powers and their nationals arising out of any actions taken by Japan and its nationals in the course of the prosecution of the war.

On its face, that ends it. That ends it right there. For all of these years, that is what sort of the basis in court was. Article 26 did state, should Japan make a peace settlement or war claims settlement with any state granting that state greater advantages than those provided by the present treaty, those

same advantages shall be extended to the parties to the present treaty.

We did not know until April 2000 that the Japanese Government had indeed made a war claims settlement with another state granting greater advantages to the nationals of that state, and that was, of course, the Dutch citizens because the diplomatic note to the Japanese Prime Minister from the Dutch Foreign Minister—again which was read by the Senator from New Hampshire, and I just repeat it for emphasis sake—it said that: It is my Government's view—that is, the Government's view of the Government of the Netherlands—that article 14(b), as a matter of correct interpretation, does not involve the expropriation by each allied government of the private claims of its nationals. So that after the treaty comes into force, these claims will be nonexistent.

In other words, the Dutch Minister said: It is my Government's view that 14(b) does not prohibit private claims of the nationals of the Netherlands.

The Japanese Prime Minister responded:

> In view of the constitutional legal limitations referred to by the government of the Netherlands, the government of Japan does not consider that the government of the Netherlands by signing the treaty has itself expropriated the private claims of its nationals so that, as a consequence thereof, after the treaty comes into force these claims would be nonexistent.

Taken out of international State Department legalese, what that basically says is the Government of Japan has said to the Government of Netherlands that just signing this treaty does not mean you take away from your citizens their right of private claims against the Government of Japan or the nationals of the nation of Japan.

This is the document we did not know about until April of 2000. So we know that article 26 of the treaty of 1951 now comes into full force and play, and because Japan made a war claims settlement with the Netherlands that gives them greater advantages than those provided in the present treaty, those same advantages should be extended to all of the parties of the present treaty. Therefore, we believe very strongly that our private citizens, our POWs who worked as slave laborers, have every right to pursue their claims in whatever courts they can find to take up those claims.

Unfortunately, the Departments of State and Justice are not on the side of our POWs. They convinced a Federal judge to dismiss these lawsuits. This is fundamentally unfair. This amendment would correct this injustice. I do not know whether or not in a court of law these POWs will be able to prevail. I don't know all of the legal implications. I do know they should have their day in court to argue their claims against these private companies. It is not as if Mitsubishi, Matsui, and Nippon are bankrupt. These are multinational corporations. They are big.

As the Senator from New Hampshire said, our POWs are getting older and not that many remain. It seems to me this is the fair and right thing to do, to make final these reparations, and without interference from the executive branch of the Government.

I am constrained to say I hope no one interprets this amendment or our support for this amendment as somehow trying to bring up again World War II or bringing up in a way that would be detrimental to the present Government of Japan the actions taken during World War II. That is not our intention at all. We all recognize the Government of Japan is one of the great, strong democracies of our present world. They have a system of free government and free enterprise in Japan that is the envy of many places in the world.

For a year and a half I was privileged to serve my country as a Navy pilot stationed at Atsugi airbase in Japan in the mid to late 1960's. I spent a year and a half living on the Japanese economy. I worked every day with men and women who worked for the Nippon Aircraft Corporation. I was one of their test pilots. I worked with them every day. During my year and a half there, I can honestly say I became an admirer of the Japanese people and an admirer of many of the things they have done after World War II. I don't for one minute admire anything they did during World War II, what the warlords did, what they did to lead that nation into World War II. The atrocities they committed during World War II are a definite blot on their history.

Today, the Japanese Government stands as a beacon of democracy and representative government. The Japanese people, I think, have expunged themselves of this terrible legacy of World War II. I am saying this because I don't want anyone to interpret that we are using this amendment or offering this amendment as if making a detrimental statement about the present Government of Japan. That is not so.

We are saying we believe in the rule of law, just as the Japanese Government, since World War II, believes in the rule of law. This rule of law we adhere to, that we believe in so strongly, says that people who are wronged, people who believe they have a claim against another person or a government, ought to have their day in court. That is all we are saying. Let them make their case. If the Japanese companies want to defend themselves and say they have already paid reparations, they have already paid in full for all of this, let them come to court and show us. That is all we are saying.

The administration argues this amendment violates our Constitution regarding the separation of powers. This type of restriction we are now placing on appropriations by the participation of the Attorney General in private litigation has been enacted in Congress before and has been accepted and complied with by the executive branch. There was an example offered by Warren Rudman, another Senator from New Hampshire, passed in 1983 that barred the Justice Department from intervening in certain types of private antitrust lawsuits. We have done that many, many times in the past. I don't think the argument that somehow this violates our separation of powers holds any water.

I thank my colleague from New Hampshire for his leadership on this issue, for sticking up for our POWs and for offering this amendment. I hope it is passed overwhelmingly so we can coordinate with the House, which passed it overwhelmingly, and permit these lawsuits to move ahead and give POWs their long overdue day in court. They may have been left behind in 1942 by General MacArthur; let's not leave them behind one more time.

I yield the floor.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Hawaii.

Mr. INOUYE. Mr. President, two of my most distinguished colleagues, the Senator from New Hampshire, Mr. SMITH, and the Senator from Iowa, Mr. HARKIN, have offered this amendment to the measure before the Senate. I will share my thoughts on this amendment and the reasons why I oppose it.

While listening to my colleagues' speak, I was reminded that a few days ago I was called upon by one of my dear friends in the Senate, advising me that I should not be involved in this matter; that it would be, without question, an amendment of high emotions, and that it would revive memories of a distant past, black memories.

Like some of my colleagues, I am old enough to recall those dark days in our history. Like some Members, I was involved in that ancient war, World War II. Sometimes I have my personal nightmares.

There is no question that none of us here would ever condone any of the actions taken by the Japanese in the Bataan death march. Being of Japanese ancestry becomes a rather personal matter. Who knows, one of my cousins could have been the one with the bayonet and rifle. I have no way of knowing. But those men who mistreated our men were of the same ancestry.

Therefore, I stand before the Senate not with any great pleasure but because I feel it must be done. Two days ago, officials of our Nation and the high officials of Japan gathered in the city of San Francisco to commemorate the 50th anniversary of the signing of the Treaty of San Francisco which ended the hostilities of Japan in World War II. This treaty was a farsighted document designed very deliberately to eliminate the possibility of further Japanese aggression by paving the way for an enduring peace between our two countries.

Central to this goal was the recognition by the United States that it had a responsibility to rebuild war-torn Japan so that it could regain its economic self-sufficiency. The economic abandonment of Germany after World War I by the victorious nations of Europe and its horrific consequences were

enough to convince the President and the Congress of the United States to avoid inviting a repetition in the Pacific. Accordingly, the provisions of the San Francisco treaty were specifically aimed at protecting the recovering economy of Japan, and among the most important of these was article 14(b) of that treaty. I think we should read this article 14(b) once again:

[E]xcept as otherwise provided in the present Treaty, the Allied Powers waive all reparations claims of the Allied Powers, other claims of the Allied Powers and their nationals arising out of any actions taken by Japan and its nationals in the course of the prosecution of the war[.]

It was clear that this language was intended to waive, unless otherwise provided in the treaty, all claims of the United States and allied nationals against Japan and Japanese nationals arising from World War II.

No one can deny the pain and the atrocities suffered by American citizens who were prisoners of war in Japan, and by agreeing to article 14(b), our Nation did not intend to turn its back on its own citizens.

I have had the privilege and the great honor of serving in the Congress now for nearly 42 years and during that time I believe my record is very clear when it comes to the support of the men and women in uniform. At this moment, I find myself in some disagreement with the great leaders of this Senate as to how the Defense Appropriations Subcommittee's bill should be handled. I have always maintained that we cannot do enough for men and women in uniform. Less than one-half of 1 percent of this Nation has stepped forward to indicate to the rest of us that they are willing to stand in harm's way and, if necessary, at the risk of their lives. How can anyone say this is not something worthy of our support? So my support for the men in uniform, I hope, will not be questioned by any one of my colleagues.

When we signed the treaty and when we passed the War Claims Act of 1948 soon thereafter, our Nation assumed the responsibility of making reparations to our people using the proceeds of Japanese assets ceded by Japan under the treaty. We thought it was important enough at that moment in our history to take over that responsibility.

I do not stand before you to present any rationale or apology for Japanese war crimes because history has shown that during the war, as in many great wars, officers and men of competing armies oftentimes resort to treatment of prisoners so cruel and inhumane as to seem barbaric. There are no good people in a war.

Those of us on the committee, the Defense Appropriations Subcommittee, have one thing in mind—to prevent wars—because many of us have seen what war can do. There is no question that American prisoners in the hands of the Japanese suffered much. I think the evidence is rather clear, as pointed out by the Senator from New Hampshire and the Senator from Iowa. However, when the officials of our nations met with representatives of the defeated nation, Japan, these atrocities were recognized and taken into account in the consideration and ratification of the treaty of San Francisco.

Moreover, the Government of Japan has acknowledged the damage and suffering it caused during World War II. Last Saturday, September 8, the Minister for Foreign Affairs, Mr. Tanaka, reaffirmed Japan's feelings of deep remorse and heartfelt apologies that had been previously expressed in 1995 by then-Prime Minister Murayama.

Unfortunately, the amendment presented by my two distinguished colleagues attacks a central provision of the treaty by making it difficult, if not impossible, for the Departments of Justice and State to intervene in reparations suits and assert article 14(b) of the treaty.

I think we should remind ourselves that article II of the Constitution of the United States makes it very clear that it is the President of the United States who has the responsibility of negotiating treaties and making certain that the provisions of the treaties are carried out. It is not the right of any State or any individual, nor is it the right of this Congress.

Thus, if this amendment is approved by both Houses of Congress and signed into law by the President, it would announce our intention to abrogate a central term of the treaty of San Francisco. This action will abrogate that treaty. Some have suggested it might be a slap in the face of the Japanese. Yes, it might be, but, more importantly, it will abrogate a treaty.

We who have stood on this floor time and again condemning other nations for slight deviation of their treaties are now coming forth deliberately to say that we are prepared to abrogate this treaty. This would be contrary to U.S. foreign policy because it would signal to the world that the United States cares little for its treaty obligations. It would be also contrary to U.S. national security policy because the San Francisco treaty is the cornerstone of U.S. security arrangements in the Asia-Pacific region.

In addition to the foreign and security policy considerations, this amendment might also encourage other nations to facilitate lawsuits against the United States, and against U.S. companies and the U.S. Government and its officials for actions by U.S. military and those who support such actions.

This is not farfetched. It could expose our Nation and our Nation's citizens to millions, if not billions, of dollars in claims. The administration of President Bush, in its policy statement issued through the Department of State, concurs with this analysis and strongly opposes the amendment.

Indeed, the administration additionally objected to the amendment because it would impair the executive branch's ability to carry out its core constitutional responsibility relating to treaties, article II of the Constitution. Accordingly, reopening this issue as the amendment now proposes would have very serious negative consequences for United States-Japan relations, and, sadly, would sow doubt about America's word among other allies.

Therefore, I oppose the amendment and I hope all of my colleagues will carefully consider the points that I have raised.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I want to respond to my great friend—he is my great friend—and colleague from Hawaii. There is no one with whom I have greater respect and admiration in the Senate for all the years I have been here than the senior Senator from Hawaii, Mr. INOUYE. Certainly, I commend him for his statement and the courage he has shown to take his position on this matter. No one should in any way misinterpret the action taken by Senator INOUYE in opposing this amendment. I know he comes at it with conscience and with his own feeling of what is right.

I may not agree with his position on it, and let no one think that in any way Senator INOUYE now or at any time has let down our country, or our veterans, or our military establishment. By his own life and by his own example, Senator INOUYE has shown what it means to be a patriot and to put himself in harm's way and possibly give one's life for his country. He did that during World War II.

No one could have been more proud than all of us here when President Clinton finally recognized his efforts, his dedication, and his sacrifice during war in finally granting Senator INOUYE the Congressional Medal of Honor. It was a recognition that was long overdue.

I hope that no one misinterprets what the Senator said in his opening statement about taking his position. I certainly don't, and no one else should.

As I said, we have a disagreement. And, quite frankly, I am hard pressed to think of the last time I disagreed with the Senator from Hawaii because I have high regard for him in matters pertaining to our military, to our veterans, and the defense of our country. But I just happen to have a disagreement on this one issue.

Again, I point out that all we are trying to do is give the day in court for our rule of law. I believe we can do so without in any way abrogating a treaty or harming our relations with Japan. As I said earlier, I have the highest esteem for Japan and the people of Japan. I would want nothing in any way to be misinterpreted that we are in any way trying to bring up the dark days of World War II again. But I believe just as strongly that our rule of law commands us not to do otherwise.

We must permit them to have their day in court. It is their right.

Again, I thank the Senator from New Hampshire for offering the amendment.

I particularly want to thank Senator INOUYE for his years of dedication to our country, for his leadership during World War II, and for his 42 years of leadership in the Senate. I am sorry I have to disagree with him on this issue.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I want to associate myself with every single word the Senator from Iowa just said regarding our colleague, Senator INOUYE. I want to state for the record that Senator INOUYE has earned the right to say anything he wishes on the floor of the Senate with his distinguished service to our country. I think we have a difference of opinion on what the treaty said or didn't say. That is it as far as I am concerned, to make the record clear.

I want to respond to the point on the abrogation of treaties because I think it is important we understand that, in my view—and I think in the view of many—it doesn't abrogate the treaty at all. It limits the State and the Justice departments from interfering. That is all. The courts will decide the true intent of the treaty. That is what courts are supposed to do. But they should be able to do so without what I would consider unnecessary meddling.

Article 26 of the treaty makes it very clear that the Japanese entered into a more advantageous agreement than those terms apply to all the signatories of the treaty.

We are not abrogating the treaty. We are fulfilling the treaty.

I think it is very important to understand those points that were made in the exchange between the Japanese Government and the Dutch Government and article 26 in the sense that the person who offered those documents, John Foster Dulles, made it very clear that we don't want to deny individuals under a constitutional government the right to have their constitutional rights fulfilled.

I would respond quickly to three or four points that were made by the opponents and then yield the floor.

We just talked about those who say it undermines the treaty obligations. It merely prevents the State and the Justice departments from distorting the true facts. I am not saying the State and Justice departments in any way directly are responsible for holding back documents. The truth is our own Government for 50 years never released these documents. Had these documents been available 50 years ago, I think this matter would have been resolved.

For all these years our veterans never had the opportunity to have this information and take it to court.

The judicial branch is perfectly capable and within its rights to interpret treaties without any assistance from or deference to the views of the executive branch or frankly, the legislative branch. This is law. That is how things are settled.

In any event, the amendment does not prevent the executive branch from executing the treaty. I want to make that very clear. It does not prevent the executive branch from executing the treaty. It merely prevents the executive branch from advocating a certain interpretation in court.

All we are doing with my amendment and that of Senator HARKIN and others who cosponsored it is to say we are not going to provide taxpayer dollars to allow that argument to be fought. Let it go to court. That is all. I think it is very important that we understand that.

Some say the amendment impairs the ability of the courts to interpret treaties. The courts are perfectly capable of interpreting treaties without the assistance of the executive branch. They are not bound by executive interpretation. In fact, the Supreme Court noted in one of its opinions that the courts interpret treaties for themselves. The courts remain the final arbiter of a treaty's meaning and have the right to interpret a treaty.

The courts observed that the views of the executive branch regarding a treaty are entitled to no deference of any type when they appear to have been adopted either solely for political reasons or in the context of any particular litigation. I believe we are dealing with the latter in this case.

Let me also get to the point of damaging relations with Japan. No one wants to do that. I want to make it very clear that I believe Japan is a valuable ally in the Far East and that they are very important to us, especially as we look at the emergence of China and the threat of the Chinese. This is not about the Japanese Government. It is not about replaying the war. It is about interpreting a treaty the way it was intended and allowing people to have their day in court without losing their constitutional rights. That is for all of us.

It should not change our relationship with Japan. I do not know of anybody who wants to do that. We are strong allies. We are close friends. We are going to continue to be close friends after this. This should not, in any way, be construed as an unfriendly act. Secretary Powell, I think, recently called Japan our Pacific anchor. I think he is right. But it does send a serious message that as long as these veterans are with us, this is going to be an area of contention.

Frankly, I think it is better for Japanese-American relations to get it behind us. Let's move on. And the best way to do it is to allow these men to come to court without the interference of the Justice and State Departments; let them come to court, have their day in court, and get a decision. That was the right thing to do when the State Department did that in relation to the activities in the German case, and I think it is the right thing to do in this case.

Last year, again, as I said earlier in my statement, this body passed S. Con. Res. 158, offered by Senator HATCH, which urged the Secretary of State to facilitate discussions between the veterans and the Japanese. Unfortunately, though, the State Department chose to ignore that. All we are trying to do is to move forward and not have it hang out there any longer.

Again, this is an issue between private Japanese companies and private United States citizens who have been wronged by those companies. It is also important to remind people that we do have a Constitution and every single one of us has constitutional rights.

Under the fifth amendment: ''No person shall . . . be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.''

The Supreme Court has ruled that the Federal Government can take or espouse private claims of United States citizens against foreign governments and their agents, but this case involves private claims against private corporations that are not agents of the Japanese Government. There are no constitutional or legal precedents for the Federal Government to take or espouse the private claims of its citizens against private foreign entities.

In fact, if you read article 14(b), which we have done a couple times, to mean ''private versus private claims,'' this raises very serious fifth amendment concerns. The Federal Government does not have the right to espouse private versus private claims. There is an important difference between the private versus Government claims, which the Federal Government can espouse, and the private versus private claims, which the Federal Government cannot espouse. That is a big difference.

Just like the United States Government, the Dutch were faced with the same problem. The Dutch had a constitutional issue, which is why they raised the issue at the time, which is why article 26 was written. John Foster Dulles certainly had a hand in writing both of those letters and the exchange of letters between the Japanese and the Dutch. He understood both sides of it. And he understood it completely. That is why the letters were written and why the Dutch raised the question. And that is why they made certain that if another country raised similar objections, such as the United States, they would have the opportunity to have their citizens have their day in court.

So I hope that as we get to whatever point the leadership decides to call a vote on this, we understand that this is not about bringing up some old war stories or replaying the war or anything at all. It is simply about the right of an American citizen, who happened to be a POW, to get his or her

day in court against a private company in another country and not be interfered with by our own Government.

All our amendment does is say that no funds under this act shall be used by our country or our Government to interfere with that claim. That is it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Point of inquiry: Will this matter be voted upon at 5:30?

Mr. HOLLINGS. I think so. We are ready to make that request, but I want to say a word in debate.

Mr. INOUYE. Fine.

Mr. REID. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the time until 3:15 p.m. be for debate with respect to the Smith amendment No. 1538; that at 3:15 p.m. the amendment be set aside to recur at 5 p.m. today, with all time equally divided and controlled between Senators SMITH of New Hampshire and HOLLINGS or their designees; that a vote in relation to the amendment occur at 5:30 p.m. today, with no second-degree amendments in order prior to a vote in relation to the amendment; further, that at 3 p.m. Senator DORGAN be recognized to offer an amendment relating to TV Marti.

Mr. HOLLINGS. You mean 3:15.

Mr. REID. Yes, 3:15.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. REID. Mr. President, I extend my appreciation to the Senator from Idaho, who is not in the Chamber, for allowing us to move forward on this even though his amendment is pending.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from Nevada, who keeps the trains running—and on time —and, incidentally, is fully informed on what is on that train. That is really the point to be made with Senator HARRY REID.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, there is no question when the chorus is formed to praise our distinguished senior colleague from Hawaii, I am going to be in that chorus. There is no one I admire more.

I remember the debate with respect to the reparations, and I was moved by our other wonderful Senator from Hawaii, Mr. Matsunaga. But mind you me, that was a very different situation.

Here is an individual of Japanese descent, DANIEL INOUYE of Hawaii, who fought for over a year to try and gain acceptance as a soldier in the cause of the United States in World War II. And having done that—because I was in that particular theater—to go forward in Italy with the Nisei fighters, even after the armistice peace had been signed with Italy, with his arm gone and 22 slugs in his body.

He only got the Distinguished Service Cross. It hit my conscience that here was an individual, just because he was alone, and not recognized at that time, who only received the Distinguished Service Cross. And that was repaired last year when he, and others of those brave Nisei fighters, received the Medal of Honor. So the record has been made.

But this isn't on account of Senator INOUYE's courage. I really am grateful, managing this bill myself, that he has taken this position that does take courage in one sense of the word. But under the Constitution, which the distinguished Senator from New Hampshire points out, there is no other course than to kill this particular amendment.

Let me speak again of my high regard for the Senator from New Hampshire and the Senator from Iowa in their feeling for the veterans, particularly those who suffered under that death march from Bataan, because I was dragged into this thing myself in May of 1942, when others just ahead of me got caught up not only in the Bataan march but served as prisoners of war under such treatment that has been described by the distinguished Senators from New Hampshire and Iowa.

I think of Jack Leonard. I think of other classmates who suffered in that period of the war. So I share the feeling of the Senator from New Hampshire. You cannot be more devastated and defaced and tortured than these Japanese prisoners of war. They deserve every bit of consideration they can get under the Constitution. But if we are going to be a body of laws, there isn't any question about whose side—I was taken by the Senator from New Hampshire who said you are either on the side of the private Japanese corporations or you are on the side of the veterans. Not at all. You are either on the side of the Constitution or you are not. And our Constitution says: The treaty made duly ratified is the law of the land. That terminated any particular claims or their day in court.

To understand, read this amendment, not agreeing, if you please, with the Senator from New Hampshire, not agreeing, if you please, with the Senator from South Carolina, but it says:

None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as a slave or forced labor.

It says that the Department of Justice and the Department of State cannot function as a Department of Justice and a Department of State. Certainly, they don't want to do that. If it is to be that they have a right or day in court—and certainly nothing we vote on this afternoon will take away that right or day in court—it has been had, this time last year in the California court. The judge found it and studied it and objectively looked at it in every particular regard and found otherwise. Nothing that we vote on today one way or the other is going to take away their right in court.

But there is a right and a duty and a responsibility of the Department of State and the Department of Justice to defend the position of the United States. And we think that the position of the United States is under article 14 of that particular treaty with Japan, ratified in 1952 by an overwhelming vote that was entered into by President Truman, ratified by a 66–10 bipartisan vote in the U.S. Senate. If I raise my hand as a Senator, I hereby pledge to preserve, protect, and defend. So it is not the side of the corporation or the side of the veteran. It is the position under the Constitution. You have to defend the laws of the land.

Certainly, I am not totally familiar with this particular issue, certainly not as much so perhaps as the distinguished Senator from New Hampshire. But there have been others who have studied it very thoroughly.

I have a letter from a distinguished former Secretary of State. This is in June. He writes to the House chairman of Foreign Relations, I take it, at that particular time. I want to read from this letter from George P. Shultz:

Dear Mr. Chairman: I am writing to you to express my deep reservations about H.R. 1198, the Justice for the U.S. Prisoners of War Act of 2001.

This was passed overwhelmingly, incidentally, in the House of Representatives. We have too many pollsters in Government. My pollster, my political consultant said: Why don't you keep your mouth shut. Let DANNY INOUYE defend it and you don't have to say anything. And then in the next election, you won't have to explain how the veterans now are all against you.

Life is too short for that kind of nonsense. You have to take positions here. Let me go ahead with Secretary Shultz's letter:

I express my opposition to the bill against the background of tremendous sympathy for the problems of the United States' citizens who have in one way or another been harmed, many severely, in the course of war and its sometimes dehumanizing impact.

But the bill in question would have the effect of voiding the bargain we made and explicitly set out in the Treaty of Peace between Japan, the United States, and forty-seven other countries. President Truman with the advice and consent of the Senate ratified the treaty and it became effective April 28, 1952.

The Treaty has served us well in providing the fundamental underpinning for the peace and prosperity we have seen, for the most part, in the Asia Pacific region over the past half-century.

The Treaty addresses squarely the issue of compensation for damages suffered at the hands of the Japanese. Article 14 in the treaty sets out the terms of Japanese payment ''for the damage and suffering caused by it during the war.'' The agreement provides:

1. a grant of authority to Allied Powers to seize Japanese property within their jurisdiction at the time of the treaty's effective date;

2. an obligation of Japan to assist in the rebuilding of territory occupied by Japanese forces during the war; and

3. waiver of all ''other claims of the Allied Powers and their nationals arising out of any action taken by Japan and its nationals of the war.''

Let me divert from the reading of this letter. One says ''to seize the property.'' That was done. Japanese property was seized. You constantly hear in the presentation that this is against private corporations. The treaty was against private corporations and their property and was distributed to the prisoners of war. It wasn't done enough; you and I both agree on that in a flash. I sympathize with the motivation of the distinguished Senator from New Hampshire, but we did seize the property. And we did distribute it as reparations. That ended all claims of all nationals.

The waiver of all other claims of the allied powers and their nationals, that ended it. It didn't say whether 50 years from now we can find some memo with respect to the Netherlands and whether or not they had constitutional authority. There isn't any question that our Secretary of State, John Foster Dulles, had authority. There isn't any question that the President of the United States who signed the treaty, the Congress itself, the U.S. Senate that ratified that treaty, had its authority. This is by the board what was found 50 years later by the Netherlands. Let's find out what was found by the United States of America, its President and its Senate as constitutionally binding under the treaty.

Let me go back to the letter from George P. Shultz:

The interests of Allied prisoners of war are addressed in Article 16, which provides for transfer of Japanese assets in neutral or even me jurisdictions to the International Red Cross for distribution to former prisoners and their families.

H.R. 1198 challenges these undertakings head on, as it says, ''In any action in a Federal court . . . the court . . . shall not construe section 14(b) of the Treaty of Peace with Japan as constituting a waiver by the United States of claims by nationals of the United States, including claims by members of the United States armed forces, so as to preclude the pending action.''

I read further:

I have read carefully an opinion of Judge Vaughn R. Walker of the U.S. District Court in California rendered on July 21, 2000 . . .

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

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

H.R. 1198—THE JUSTICE FOR U.S. PRISONERS OF WAR ACT OF 2001

IN RE WORLD WAR II ERA JAPANESE FORCED LABOR, SEPTEMBER 21, 2000, DECISION BY JUDGE VAUGHN R. WALKER, U.S. DISTRICT COURT, N.D. CALIFORNIA

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA

Master File No MDL–1347.

In Re: World War II Era Japanese Forced Labor Litigation.

This Document Relates To:

Alfano v. Mitsubishi Corp, CD Cal No 00–3174
Corre v. Mitsui & Co., CD Cal No 00–999
Eneriz v. Mitsui & Co, CD Cal No 00–1455
Heimbuch, et al. v. Ishihara Sangyo Kaisha, Ltd, ND Cal No 99–0064
Hutchison v. Mitsubishi Materials Corp, CD Cal No 00–2796
King v. Nippon Steel Corp., ND Cal No 99–5042
Levenberg v. Nippon Sharyo, Ltd, ND Cal No 99–1554
Levenberg v. Nippon Sharyo, Ltd, ND Cal No 99–4737
Poole v. Nippon Steel Corp., CD Cal No 00–0189
Price v. Mitsubishi Corp., CD Cal No 00–5484
Solis v. Nippon Steel Corp., CD Cal No 00–0188
Titherington v. Japan Energy Corp., CD Cal No 00–4383
Wheeler v. Mitsui & Co., Ltd., CD Cal No 00–2057

On December 23, 1941, after mounting a brave resistance against an overwhelming foe, the small American garrison on Wake Island in the South Pacific surrendered to Imperial Japanese forces. James King, a former United States Marine, was among the troops and civilians taken prisoner by the invaders. He was ultimately shipped to Kyushu, Japan, where he spent the remainder of the war toiling by day as a slave laborer in a steel factory and enduring maltreatment in a prison camp by night. When captured, King was 20 years old, 5 feet 11 inches tall and weighed 167 pounds. At the conclusion of the war, he weighed 98 pounds.

James King is one of the plaintiffs in these actions against Japanese corporations for forced labor in World War II; his experience, and the undisputed injustice he suffered, are representative. King and the other plaintiffs seek judicial redress for this injustice.

I

These actions are before the court for consolidated pretrial proceedings pursuant to June 5, 2000, and June 15, 2000, orders of transfer by the Judicial Panel on Multidistrict Litigation. On August 17, 2000, the court heard oral argument on plaintiffs' motions for remand to state court and defendants' motions to dismiss or for judgment on the pleadings.

This order addresses, first, all pending motions for remand. For the reasons stated below, the court concludes that notwithstanding plaintiffs' attempts to plead only state law claims, removal jurisdiction exists because these actions raise substantial questions of federal law by implicating the federal common law of foreign relations.

Second, the court addresses the preclusive effect of the 1951 Treaty of Peace with Japan on a subset of the actions before the court, namely, those brought by plaintiffs who were United States or allied soldiers in World War II captured by Japanese forces and held as prisoners of war. The court concludes that the 1951 treaty constitutes a waiver of such claims.

This order does not address the pending motions to dismiss in cases brought by plaintiffs who were not members of the armed forces of the United States or its allies. Since these plaintiffs are not citizens of countries that are signatories of the 1951 treaty, their claims raise a host of issues not presented by the Allied POW cases and, therefore, require further consideration in further proceedings.

II

Defendants may remove to federal court ''any civil action brought in a State court of which the district courts of the United States have original jurisdiction.'' 28 USC §1441(a). ''The propriety of removal thus depends on whether the case originally could have been filed in federal court.'' *Chicago* v. *International College of Surgeons,* 522 US 156, 163 (1997).

Federal courts have original jurisdiction over cases ''arising under the Constitution, laws or treaties of the United States.'' 28 USC §1331. For purposes of removal, federal question jurisdiction exists ''only when a federal question is presented on the face of the plaintiff's properly complaint.'' *Caterpillar Inc* v. *Williams,* 482 US 386, 392 (1987). Since a defense is not part of a plaintiff's properly pleaded statement of his claim, a case may not be removed to federal court on the basis of a federal defense. *Rivet* v. *Regions Bank of La,* 522 US 470, 475 (1998).

Defendants' assertion of the Treaty of Peace with Japan as a defense to plaintiffs' state law causes of action does not, therefore, confer federal jurisdiction. Recognizing this, defendants rely on a line of cases committing to federal common law questions implicating the foreign relations of the United States.

In *Banco Nacional de Cuba* v. *Sabbatino,* 376 US 398, 425 (1964), a case in which federal jurisdiction was based on diversity of citizenship, the Supreme Court held that development and application of the act of state doctrine was a matter of federal common law, notwithstanding the general rule of *Erie R Co* v. *Thompkins,* 304 US 64, 78 (1938), that federal courts apply state substantive law in diversity cases. The court reasoned that because the doctrine concerned matters of comity between nations, ''the problems involved are uniquely federal in nature.'' Id at 424. Although the applicable state law mirrored federal decisions, the Court was ''constrained to make it clear that an issue [involving] our relationships with other members of the international community must be treated exclusively as an aspect of federal law.'' Id at 425.

Under *Banco Nacional,* federal common law governs matters concerning the foreign relations of the United States. See *Texas Indus, Inc* v. *Radcliffe Materials, Inc,* 451 US 630, 641 (1981). ''In these instances, our federal system does not permit the controversy to be resolved under state law, either because the authority and duties of the United States as sovereign are intimately involved or because the * * * international nature of the controversy makes it inappropriate for state law to control.'' Id.

If an examination of the complaint shows that the plaintiff's claims necessarily require determinations that will directly and significantly affect United States foreign relations, a plaintiff's state law claims should be removed. *Republic of Phillipines* v. *Marcos,* 806 F2d 344, 352 (2d Cir 1986). This doctrine has been extended to disputes between private parties that implicate the ''vital economic and sovereign interests'' of the nation where the parties' dispute arose. *Torres* v. *Southern Peru Copper Corp,* 113 F3d 540, 543 n8 (5th Cir 1997).

The court concludes that the complaints in the instant cases, on their face, implicate the federal common law of foreign relations and, as such, give rise to federal jurisdiction. Plaintiffs' claims arise out of world war and are enmeshed with the momentous policy choices that arose in the war's aftermath. The cases implicate the uniquely federal interests of the United States to make peace and enter treaties with foreign nations. As the United States has argued as amicus curiae, these cases carry potential to unsettle half a century of diplomacy.

After a thorough analysis, Judge Baird in the Central District of California denied remand in one of the cases now before the undersigned pursuant to the multidistrict litigation transfer order. *Poole* v. *Nippon Steel Corp,* No. 00–0189 (CD Cal March 17, 2000). The court agrees with the analysis and the conclusion in that case. (In another related case in which remand was granted, *Jeong v Onoda*

Cement Co, Ltd, 2000 US Dist LEXIS 7985 (CD Cal May 18, 2000), the court did not consider the federal common law of foreign relations as a basis for federal jurisdiction.) Judge Baird held: ''[T]his case, on its face, presents substantial issues of federal common law dealing with foreign policy and relations. * * * As such, plaintiffs may not evade this Court's jurisdiction by cloaking their complaints in terms of state law.'' The motions for remand are DENIED.

III

In addressing the motions to dismiss, the court refers again to a complaint that is representative of the actions by United States and Allied POWs, *King* v. *Nippon Steel Corp.*, No 99–5042.

As noted at the outset of this order, plaintiff King seeks redress for wrongs inflicted by his captors half a century ago. In count one of the complaint, he asserts a claim under California Code of Civil Procedure §354.6, a new law that permits an action by a ''prisoner-of-war of the Nazi regime, its allies or sympathizers'' to ''recover compensation for labor performed as a Second World War slave labor victim * * * from any entity or successor in interest thereof, for whom that labor was performed * * *.'' Cal Code Civ Pro §354.6. Count two is an unjust enrichment claim in which plaintiff seeks disgorgement and restitution of economic benefits derived from his labor. In count three, plaintiff seeks damages in tort for battery, intentional infliction of emotional distress and unlawful imprisonment. Count four alleges that defendant's failure to reveal its prior exploitation of prisoner labor to present-day customers in California and elsewhere constitutes an unfair business practice under California Business and Professions Code §17204.

Defendants move pursuant to Federal Rule of Civil Procedure 12(c) for a judgment on the pleadings, arguing: (1) plaintiff's claims are barred by the Treaty of Peace with Japan; (2) plaintiff's claims raise nonjusticiable political questions; (3) the peace treaty, the War Claims Act of 1948 and the federal government's plenary authority over foreign affairs combine to preempt plaintiff's claims and (4) because the complaint alleges injuries caused by the Japanese government, plaintiff's claims are barred by the act of state doctrine and the Foreign Sovereign Immunities Act.

These arguments, and King's countervailing positions, arise in all of the cases before the court brought on behalf of Allied POWs against Japanese corporations. The court need not address all of them. For the reasons stated below, the court concludes that plaintiffs' claims are barred by the Treaty of Peace with Japan.

A

A motion for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c) is the proper means to challenge the sufficiency of the complaint after an answer has been filed. Depending on the procedural posture of the individual case, some defendants have filed motions pursuant to FRCP 12(c) and others have filed motions to dismiss pursuant to FRCP 12(b). The distinction in the present context is not important. In the Ninth Circuit, the standard by which the district court must determine Rule 12(c) motions is the same as the standard for the more familiar motion to dismiss under rule 12(b)(6): ''A district court will render a judgment on the pleadings when the moving party clearly establishes on the face of the pleadings [and by evidence of which the court takes judicial notice] that no material issue of fact remains to be resolved and that it is entitled to judgment as a matter of law.'' *Enron Oil Trading & Transp Co* v. *Walbrook Ins Co*, 132 F3d 526, 529 (9th Cir 1997) (citations omitted).

B

The Treaty of Peace with Japan was signed at San Francisco on September 8, 1951, by the representatives of the United States and 47 other Allied powers and Japan. Treaty of Peace with Japan, [1952] 3 UST 3169, TIAS No 2490 (1951). President Truman, with the advice and consent of the Senate, ratified the treaty and it became effective April 28, 1952. Id.

Article 14 provides the terms of Japanese payment ''for the damage and suffering caused by it during the war.'' Id at Art 14(a). For present purposes, the salient features of the agreement are: (1) a grant of authority of Allied powers to seize Japanese property within their jurisdiction at the time of the treaty's effective date; (2) an obligation of Japan to assist in the rebuilding of territory occupied by Japanese forces during the war and (3) *waiver* of all ''other claims of the Allied Powers and their nationals arising out of any actions taken by Japan and its nationals in the course of the prosecution of the * * *.'' Id at Art 14(a)-(b) (emphasis added).

It is the waiver provision that defendants argue bars plaintiffs' present claims. In its entirety, the provision reads: ''(b) Except as otherwise provided in the present Treaty, the Allied Powers waive all reparations claims of the Allied Powers, other claims of the Allied Powers and their nationals arising out of any actions taken by Japan and its nationals in the course of the prosecution of the war, and claims if the Allied Powers for direct military costs of occupation.'' Id at Art 14(b).

On its face, the treaty waives ''all'' reparations and ''other claims'' of the ''nationals'' of Allied powers ''arising out of any actions taken by Japan and its nationals during the course of the prosecution of the war.'' The language of this waiver is strikingly broad, and contains no conditional language or limitations, save for the opening clause referring to the provisions of the treaty. The interests of Allied prisoners of war are addressed in Article 16, which provides for transfer of Japanese assets in neutral or enemy jurisdictions to the International Committee of the Red Cross for distribution to former prisoners and their families. Id at Art 16. The treaty specifically exempts from reparations, furthermore, those Japanese assets resulting from ''the resumption of trade and financial relations subsequent to September 2, 1945.'' Id at Art 14(a)(2)(II)(iv).

To avoid the preclusive effect of the treaty, plaintiffs advance an interpretation of Article 14(b) that is strained and, ultimately, unconvincing. Although the argument has several shades, it comes down to this: the signatories of the treaty did not understand the Allied waiver to apply to prisoner of war claims because the provision did not expressly identify such claims, in contrast to the corresponding Japanese waiver provision of Article 19. Article 19(b) states that the Japanese waiver includes ''any claims and debts arising in respect to Japanese prisoners of war and civilian internees in the hands of the Allied Powers * * *.''

That the treaty is more specific in Article 19 does not change the plain meaning of the language of Article 14. If the language of Article 14 were ambiguous, plaintiffs' *expressio unius* argument would have more force. But plaintiffs cannot identify any ambiguity in the language of Article 14. to do so would be to inject hidden meaning into straightforward text.

The treaty by its terms adopts a comprehensive and exclusive settlement plan for war-related economic injuries which, in its wholesale waiver of prospective claims, is not unique. See, for example, *Neri v. United States*, 204 F2d 867 (2d Cir 1953) (claim barred by broad waiver provision in Treaty of Peace with Italy). The waiver provision of Article 14(b) is plainly broad enough to encompass the plaintiffs' claims in the present litigation.

C

The court does not find the treaty language ambiguous, and therefore its analysis need go no further. *Chan* v. *Korea Airlines*, 490 US 122, 134 (1989) (if text of treaty is clear, courts ''have no power to insert an amendment.''). To the extent that Articles 19(b) raises any uncertainty, however, the court ''may look beyond the written words to the history of the treaty, the negotiations, and the practical construction adopted by the parties.'' *Air France v. Saks*, 470 US 392, 396 (1985). These authorities are voluminous and therefore of doubtful utility due to the potential for misleading selective citation. Counsel for both sides have proved themselves skilled in scouring these documents for support of their positions, and that both sides have succeeded to a certain degree underscores the questionable value of such resort to drafting history. Nevertheless, the court has conducted its own review of the historical materials, and concludes that they reinforce the conclusion that the Treaty of Peace with Japan was intended to bar claims such as those advanced by plaintiffs in this litigation.

The official record of treaty negotiations establishes that a fundamental goal of the agreement was to settle the reparations issue once and for all. As the statement of the chief United States negotiator, John Foster Dulles, makes clear, it was well understood that leaving open the possibility of future claims would be an unacceptable impediment to a lasting peace:

''Reparation is usually the most controversial aspect of peacemaking. The present peace is no exception.

''On the one hand, there are claims both vast and just. Japan's aggression caused tremendous cost, losses and suffering. * * *

''On the other hand, to meet these claims, there stands a Japan presently reduced to four home islands which are unable to produce the food its people need to live, or the raw materials they need to work. * * *

''Under these circumstances, if the treaty validated, or kept contingently alive, monetary reparations claims against Japan, her ordinary commercial credit would vanish, the incentive of her people would be destroyed and they would sink into a misery of body and spirit that would make them easy prey to exploitation. * * *

''There would be bitter competition [among the Allies] for the largest possible percentage of an illusory pot of gold.''

See US Dept of State, Record of Proceedings of the Conference for the Conclusion and Signature of the Treaty of Peace with Japan 82–83 (1951) (Def Req for Judicial Notice, Exh I).

The policy of the United States that Japanese liability for reparations should be sharply limited was informed by the experience of six years of United States-led occupation of Japan. During the occupation the Supreme Commander of the Allied Powers (SCAP) for the region, General Douglas MacArthur, confiscated Japanese assets in conjunction with the task of managing the economic affairs of the vanquished nation and with a view to reparations payments. See SCAP, Reparations: Development of Policy and Directives (1947). It soon became clear that Japan's financial condition would render any aggressive reparations plan an exercise in futility. Meanwhile, the importance of a stable, democratic Japan as a bulwark to communism in the region increased.

At the end of 1948, MacArthur expressed the view that ''[t]he use of reparations as a weapon to retard the reconstruction of a viable economy in Japan should be combated with all possible means'' and ''recommended that the reparations issue be settled finally and without delay.'' Memorandum from General Headquarters of SCAP to Department of the Army (Dec. 14, 1948) at ¶8 (Def Req for Judicial Notice, Exh E).

That this policy was embodied in the treaty is clear not only from the negotiations history but also from the Senate Foreign Relations Committee report recommending approval of the treaty by the Senate. The committee noted, for example: ''Obviously insistence upon the payment of reparations in any proportion commensurate with the claims of the injured countries and their nationals would wreck Japan's economy, dissipate any credit that it may possess at present, destroy the initiative of its people, and create misery and chaos in which the seeds of discontent and communism would flourish. In short, [it] would be contrary to the basic purposes and policy of * * * the United States * * *.''

Japanese Peace Treaty and Other Treaties Relating to Security in the Pacific, S Rep No 82–2, 82d Cong, 2d Sess 12 (1952) (Def Req for Judicial Notice, Exh F). The committee recognized that the treaty provisions ''do not give a direct right of return to individual claimants except in the case of those having property in Japan,'' id at 13, and endorsed the position of the State Department that ''United States nationals, whose claims are not covered by the treaty provisions * * * must look for relief to the Congress of the United States,'' id at 14.

Indeed, the treaty went into effect against the backdrop of congressional response to the need for compensation for former prisoners of war, in which many, if not all, of the plaintiffs in the present cases participated. See War Claims Act of 1948, 50 USC §§2001–2017p (establishing War Claims Commission and assigning top priority to claims of former prisoners of war).

Were the text of the treaty to leave any doubt that it waived claims such as those advanced by plaintiffs in these cases, the history of the Allied experience in post-war Japan, the drafting history of the treaty and the ratification debate would resolve it in favor of a finding of waiver.

D

As one might expect, considering the acknowledged inadequacy of compensation for victims of the Japanese regime provided under the treaty, the issue of additional reparations has arisen repeatedly since the adoption of that agreement some 50 years ago. This is all the more understandable in light of the vigor with which the Japanese economy has rebounded from the abyss.

The court finds it significant, as further support for the conclusion that the treaty bars plaintiffs' claims, that the United States, through State Department officials, has stood firmly by the principle of finality embodied in the treaty. This position was expressed in recent congressional testimony by Ronald J. Bettauer, deputy legal advisor, as follows: ''The 1951 Treaty of Peace with Japan settles all war-related claims of the U.S. and its nationals, and precludes the possibility of taking legal action in United States domestic courts to obtain additional compensation for war victims from Japan or its nationals—including Japanese commercial enterprises.''

POW Survivors of the Bataan Death March, Hearing before the Senate Committee on the Judiciary (June 28, 2000) (statement of Ronald J Bettauer, United States Department of State) (Def Req for Judicial Notice, Exh P).

In another recent example, in response to a letter from Senator Orrin Hatch expressing ''disappointment'' with the ''fifty-five year old injustice imposed on our military forces held as prisoners of war in Japan'' and urging the Secretary of State to take action, a State Department representative wrote: ''The Treaty of Peace with Japan has, over the past five decades, served to sustain U.S. security interests in Asia and to support peace and stability in the region. We strongly believe that the U.S. must honor its international agreements, including the [treaty]. There is, in our view, no justification for the U.S. to attempt to reopen the question of international commitments and obligations under the 1951 Treaty in order now to seek a more favorable settlement of the issue of Japanese compensation.

''This explanation obviously offers no consolation to the victims of Japanese wartime aggression. Regrettably, however, it was impossible when the Treaty was negotiated—and it remains impossible today, 50 years later—to compensate fully for the suffering visited upon the victims of the war * * *.'' Letter of Jan 18, 2000, from US Dept of State to The Hon Orrin Hatch at 2.

The conclusion that the 1951 treaty constitutes a waiver of the instant claims, as stated above and argued in the brief of the United States as amicus curiae in this case, carries significant weight. See *Kolovrat* v. *Oregon*, 366 US 187, 194 (1961) (''While courts interpret treaties for themselves, the meaning given them by the departments of government particularly charged with their negotiation and enforcement is given great weight.''); *Sullivan* v. *Kidd*, 254 US 425, 442 (1921) (''[T]he construction placed upon the treaty before us and consistently adhered to by the Executive Department of the Government, charged with the supervision of our foreign relations, should be given much weight.''). The government's position also comports entirely with the court's own analysis of the treaty and its history.

Plaintiffs raise several additional arguments that bear only brief mention. First is the characterization of these claims as not arising out of the ''prosecution of the war,'' as that phrase is used in the treaty. Plaintiffs attempt to cast their claims as involving controversies between private parties.

It is particularly far-fetched to attempt to distinguish between the conduct of Imperial Japan during the Second World War and the major industry that was the engine of its war machine. The lack of any sustainable distinction is apparent from the complaints in these cases. For example, the *King* complaint alleges that a class of war prisoners were forced to work ''in support of the Japanese war effort,'' Compl ¶ 56, and pursuant to a directive from the Japanese government that the ''labor and technical skill'' of prisoners of war ''be fully utilized for the replenishment of production, and contribution rendered toward the prosecution of the Greater East Asiatic War,'' id at ¶ 30. Furthermore, the complaint asserts that plaintiff worked in a factory ''where motor armatures were manufactured for the war effort.'' Id at ¶ 35. These allegations quite clearly bring this action within the scope of the treaty's waiver of all claims ''arising out of any actions taken by Japan and its nationals in the course of the prosecution of the war.'' Treaty at Art 14(b).

Plaintiffs also argue that waiver of plaintiffs' claims renders the treaty unconstitutional and invalid under international law. This position is contrary to the well-settled principle that the government may lawfully exercise its ''sovereign authority to settle the claims of its nationals against foreign countries.'' *Dames & Moore* v. *Regan*, 453 US 654, 679–80 (1981); See also *Neri*, 204 F2d at 868–69 (enforcing treaty waiver of reparations claims).

Finally, plaintiffs assert that subsequent settlements between Japan and other treaty signatories on more favorable terms than those set forth in the treaty should ''revive'' plaintiff's claims under Article 26, which provides in relevant part: ''Should Japan make a * * * war claims settlement with any State granting that State greater advantages than those provided by the present Treaty, those same advantages shall be extended to the parties to the present Treaty.'' Treaty at Art 26. Without deciding whether the evidence plaintiff cities of other agreements implicates Article 26, the court finds that that provision confers rights *only* upon the ''parties to the present treaty,'' i.e., the government signatories. The question of enforcing Article 26 is thus for the United States, not the plaintiffs, to decide.

IV

The Treaty of Peace with Japan, insofar as it barred future claims such as those asserted by plaintiffs in these actions, exchanged full compensation of plaintiffs for a future peace. History has vindicated the wisdom of that bargain. And while full compensation for plaintiffs' hardships, in the purely economic sense, has been denied these former prisoners countless other survivors of the war, the immeasurable bounty of life for themselves and their posterity in a free society and in a more peaceful world services the debt.

The motions to dismiss and/or for judgment on the pleadings are GRANTED. The clerk shall enter judgment in favor of defendants in the above-captioned cases.

IT IS SO ORDERED.

Vaughn R. Walker,
United States District Judge.

Mr. HOLLINGS. Quoting, again, from the letter:

I have read carefully an opinion of Judge Vaughn R. Walker of the U.S. District Court in California rendered on September 21, 2000, dealing with claims, many of a heart-rending nature. His reasoning and his citations are incisive and persuasive to me. He writes, ''The cases implicate the uniquely federal interests of the United States to make peace and enter treaties with foreign nations. As the United States has argued as amicus curiae, there cases carry potential to unsettle half a century of diplomacy.'' Just as Judge Walker ruled against claims not compatible with the Treaty, I urge that Congress should take no action that would, in effect, abrogate the Treaty.

The chief negotiator of the Treaty on behalf of President Truman was the clear-eyed and tough-minded John Foster Dulles, who later became Secretary of State for President Eisenhower. He and other giants from the post World War II period saw the folly of what happened after World War I, when a vindictive peace treaty, that called upon the defeated states to pay huge reparations, helped lead to World War II. They chose otherwise: to do everything possible to cause Germany and Japan to become democratic partners and, as the Cold War with the Soviet Union emerged, allies in that struggle.

As Judge Walker notes in his opinion, ''the importance of a stable, democratic Japan as a bulwark to communism in the region increased.'' He says, ''that this policy was embodied in the Treaty is clear not only from the negotiations history, but also from the Senate Foreign Relations Committee report recommending approval of the Treaty by the Senate . . . and history has vindicated the wisdom of that bargain.''

This is George P. Shultz, and I quote further:

I served during World War II as a Marine in the Pacific. I took part in combat operations. I had friends—friends close to me—friendships derived from the closeness that comes from taking part in combat together, killed practically beside me. I do not exaggerate at all in saying that the people who suffered the most are the ones who did not make it at all. I have always supported the best of treatment for our veterans, especially those who were involved in combat. If they are not being adequately taken care of, we should always be ready to do more.

If you have fought in combat, you know the horrors of war and the destructive impact it can have on decent people. You also know how fragile your own life is. I recall being the senior Marine on a ship full of Marines on our way back from the Pacific Theater after 3 years overseas. We all knew that we would reassemble into assorted forces for the invasion of the Japanese home islands. As Marines, we knew all about the bloody invasion of Tarawa, the Palaus, Okinawa, Iwo Jima, and many other Islands. So we knew what the invasion of the Japanese home islands would be like.

Not long after we left port, an atomic bomb was dropped on Japan. None of us knew what that was, but we sensed it must be important since the event was newsworthy enough to get to our ships at sea. Then we heard of a second one. Before our ship reached the States, the war was over.

I have visited Japan a number of times and I have been exposed to Hiroshima and Nagasaki. Civilians there were caught up in the war. I am sympathetic toward them. I have heard a lot of criticism of President Truman for dropping those bombs, but everyone on that ship was convinced that President Truman saved our lives. Yes, war is terrible, but the treaty brought it to an end.

I can divert and express those same sentiments. I didn't get back until November. He is talking about August when those bombs were dropped in 1945. But there is no question that President Truman was the hero for dropping those bombs. But under the International Criminal Court, somebody could try to file a claim 50 years later that he was a war criminal. A kind of thinking that is going on today is that this is politically correct. I will resume reading the letter from George P. Shultz:

The Bill would fundamentally abrogate a central provision of a 50 year old treaty, reversing a longstanding foreign policy stance. The Treaty signed in San Francisco nearly 50 years ago and involving 49 nations could unravel. A dangerous legal precedent would be set.

Once again, I would say to you, where we have veterans, especially veterans of combat who are not being adequately supported, we must step up to their problems without hesitation. But let us not unravel confidence in the commitment of the United States to a Treaty properly negotiated and solemnly ratified with the advice and consent of the United States Senate.

I submit this letter to you and other members of the House of Representatives with my deep respect for the wisdom of the congressional process, and for the vision embodied in the past World War II policies that have served our country and the world so well.

Sincerely yours,

GEORGE P. SHULTZ.

The PRESIDING OFFICER. The time of the Senator has expired. The time between now and 3:15 was to have been equally divided between the Senator from South Carolina and the Senator from New Hampshire.

Mr. HOLLINGS. Let me ask—my distinguished colleague from New Hampshire, I am sure, will say a word to extend the time. My understanding in the agreement was that it was 3:15.

I just say that the distinguished Senator's amendment is clear. It says, look, Mr. Secretary of State, Mr. Attorney General of the Justice Department, you shall not defend the U.S. position. Now, come on. If there is a dispute—and there obviously is—with the Senator's amendment with respect to the right of these veterans, then let it be determined with a comprehensive review, with all the documents and everything else in a court of law. This doesn't prevent the veterans from moving forward, but it certainly prevents the United States of America, through its Department of Justice and Department of State, from defending the position of the United States under this particular treaty.

The distinguished Senator from New Hampshire could well say, wait a minute, here is this information that has come to light 50 years later. Whether that has an effect or not is to be determined. No rights have been taken away from my veteran friend here who might stand at my side and say, HOLLINGS, I want you to bring the case. Nothing prevents the case from being brought. But this amendment says no one defends this particular treaty. The Senate, which ratified the treaty, doesn't want to take the position that its ratification cannot even be commented on by this particular amendment because all funds are removed, no motion can be made, no defense can be made. On that basis alone, I will support the Senator from Hawaii in his opposition and commend him again for his courage, and I commend my friend from New Hampshire for raising this particular question because it is a serious one, but it ought to be discussed in a court of law and both sides heard fully, without saying one particular side can't be defended at all.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I wish to respond briefly to a couple of the points my colleague from South Carolina made. The argument that our former POWs have already been compensated under the War Claims Act and 1951 peace treaty is ridiculous, to be candid about it. POWs who were enslaved by private Japanese corporations received next to nothing in compensation. Many POWs received nothing—nothing, zippo.

A Federal judge who dismissed many of the lawsuits wrote in his opinion—listen to this:

The immeasurable bounty of life for themselves and their posterity in a free society services the debt.

That is what he said. If that is not a ridiculous statement, even if it did come from a judge, I have never heard one. Here it is again:

The immeasurable bounty of life for themselves [POWs] and their posterity in a free society services the debt.

It is true under the War Claims Act POWs could receive minimal compensation—a dollar a day—for their claims against the acts of powers. They could not be compensated for claims against private corporations and nationals who were not agents.

I want to make it clear to my colleagues that a treaty that is signed between the United States and another government that says that a U.S. citizen cannot sue another U.S. citizen—excuse me, another citizen in a foreign country without due process—it is wrong. You can't do that.

You cannot deny due process. John Foster Dulles realized it when they wrote the side agreement and they wrote this memorandum of understanding and then buried it. They classified it. Senator INOUYE and others have pointed out what article 14(b) says. I read it, and I agree. If article 14(b) is read alone without knowing any other background, then one could make the case these folks should not have that opportunity to proceed.

This is right out of the memorandum of understanding, and this was partially written by Dulles himself:

Following the conversation of September 3, 1951, between the Secretary of the Dutch Foreign Ministry . . . Dutch Ambassador, and others, we emphasize that the purpose of this statement was not to obligate the Japanese actually to pay out any money to the claimants. He realized fully this was an unlikely possibility. He emphasized, however, the statement he had made to the Secretary the day before that the Dutch Government was faced with a difficult legal problem; namely, without a proper interpretation agreed to by the Japanese, it would appear the Dutch Government was, by the act of signing the Japanese peace treaty, giving up without due process rights held by Dutch subjects.

That is the same issue with the United States, and Dulles realized it. You cannot sign a treaty that says we have no due process against another citizen in another country. You simply cannot do it.

Talk about sticking to the Constitution and defending the Constitution. That is exactly what I am doing, and that is exactly what John Foster Dulles and others were doing because they realized article 14(b) was wrong. Then in an effort to cover it all up to satisfy the Dutch, he buried it. He classified it and kept it classified for 50 years to keep these people from having the right to go to court. That is what he did. That is what the U.S. Government did. That is wrong, and we need to correct it. We can correct it right here today.

We cannot say we are not defending the Constitution. We are not only defending the Constitution, we are defending the rights of individuals who live under this Constitution to have due process. That is what we are doing, and that is what this debate is about.

I yield the floor, Mr. President.

Mrs. FEINSTEIN. Mr. President, I rise to express my opposition to the Smith Amendment to the Commerce-Justice-State Authorization.

I do not do so because I think that the lawsuits filed against the Japanese corporations by the former Prisoners of War who were used as slave labor during World War II should not go forward—just the opposite—but because I believe that this Amendment takes the wrong approach to this issue.

I strongly support the right of the POWs to file lawsuits against the Japanese corporations. The POWs and veterans are only seeking justice from the private companies that enslaved them, and these claims should be allowed to move forward.

In fact, Senator HATCH and I introduced legislation earlier this year, S. 1272, the POW Assistance Act of 2001, precisely because I believe that it is important for those POWs who were used as slave labor during World War II to have their day in court, and an opportunity to press their claims for remuneration and compensation.

There are serious questions about whether the 1951 Treaty between Japan and the United States has settled these claims, and these questions should be dealt with seriously. But as these lawsuits go forward, I do not think that it is right and proper to enjoin the Department of State and the Department of Justice from offering the court their opinion on the meaning and interpretation of the 1951 Treaty. That opinion—which may ultimately be determined to be incorrect—is a perfectly legitimate part of the proceedings.

I strongly support the right of the POWs to seek justice. This is a matter that belongs before the courts. But I do not think that the Smith Amendment is the right way to go, and I urge my colleague to oppose its passage.

Mr. NELSON of Florida. Mr. President, I want to express my support for amendment No. 1538 of Senators SMITH and HARKIN regarding American POWs held in Japan. I do so with much respect for those who have served and suffered horrible treatment as a result of their service. I was traveling with President Bush in Florida when the vote occurred, but had I been present, I would have voted ''nay'' to the motion to table the amendment.

We do have an international treaty with Japan to which we are bound. But, this amendment is not about what the Treaty signed 50 years ago does or does not allow. It is about due process to those Americans who suffered a grievous wrong. The point is that these brave Americans be allowed their day in court to have their case heard. Actions by the Departments of Justice and State to block such actions deprive them of fairness and due process. Congress should not be a party to such deprivations.

I support the Smith-Harkin amendment and wish to be on record as opposed to the motion to table it.

Mr. BYRD. Mr. President, during World War II, 36,000 Americans were captured and held prisoner by Japan. The story of the often horrific treatment of these prisoners is punctuated by episodes such as the Bataan Death March, where ten Americans lost their lives for every mile of the gruesome journey, and by the pictures of the emaciated soldiers who spent years in confinement on starvation rations. I cannot think of any way in which we, as a nation, could begin to repay the men who suffered through such abhorrent treatment.

The amendment before us today, offered by Senator SMITH and Senator HARKIN, however, puts in jeopardy constitutional principles that each member of the Armed Forces, and each member of this body, swore to uphold. The amendment would prevent the Department of State and the Department of Justice from defending the U.S. Government in court against lawsuits that challenge whether provisions in the Treaty of San Francisco will continue to be in force as the law of the land.

The treaty, which brought peace between Japan, the United States, and our Allies in World War II, explicitly settled all wartime reparations claims that might arise against Japan. The text of the peace treaty is very clear in this regard. Because, under Article VI of the Constitution, a ratified treaty is the supreme law of the land, it is equally clear that this treaty prohibits the Government of the United States, or its people, from seeking further reparations from the Government of Japan, or its people. This is the position that the Department of State and the Department of Justice have maintained since ratification of the treaty in 1952.

The amendment before us would prohibit those departments from arguing in court against lawsuits that violate the peace treaty. It would prevent the U.S. Government from upholding a supreme law of our land. It would prohibit our government from acting in a responsible manner in support of our international obligations. It would stop the executive branch from taking action on this issue, which affects our foreign policy. I cannot support an amendment that challenges so many of our basic constitutional principles on the importance of treaties and the conduct of foreign policy.

This is not to say that our veterans who were held prisoner by Japan must be denied compensation or restitution for the inhumane treatment they suffered. Those veterans were eligible for compensation distributed by the U.S. Government under the War Claims Act of 1948. The proponents of the amendment before us may believe that compensation was not sufficient, which may be true. There are other ways to compensate our veterans that do not tread upon constitutional principles. One proposal is in the Fiscal Year 2002 Defense Authorization bill, as reported by the Armed Services Committee last Friday.

The bill authorizes the Department of Veterans Affairs to pay $20,000 to former prisoners, or their surviving spouses, who were forced to perform slave labor while held by Japan. Such a proposal would allow those veterans to receive the compensation they seek, without challenging the legal status of a ratified treaty. There may be other proposals to compensate the veterans in question as well.

We must also consider how other countries would react to an action by Congress that would question our Nation's adherence to a 50-year-old treaty with one of our closest allies. Already this year, the United States has shown an alarming tendency toward unilateralism in regard to a number of international agreements: the Kyoto Protocol, the Anti-Ballistic Missile Treaty, the International Criminal Court, the Biological Weapons Convention, and the U.N. convention on small arms. A move to reverse a major provision of such a longstanding peace treaty would be an disconcerting confirmation, and escalation, of this trend. This is a particularly inopportune time to raise further questions about our Nation's ability to cooperate with other countries.

I urge my colleagues not to view the vote on the Smith-Harkin amendment as an up-or-down vote on our veterans. There are serious constitutional and foreign policy issues at stake, and other means to compensate these veterans have not yet been exhausted. We should take a closer look at alternative means of compensation, and reject this attempt to tie the hands of our government in discharging its constitutional duty to defend a ratified treaty.

The PRESIDING OFFICER (Mr. WYDEN). The Senator from Hawaii.

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senator from Nebraska be given 10 extra minutes to present his statement.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I thank my friend, the distinguished senior Senator from Hawaii, who is, as we have heard today, one of the most distinguished veterans of World War II, as is his colleague, the distinguished Senator from South Carolina.

I am a bit of an interloper on this issue, except to say my father spent 3 years in the South Pacific during World War II in the Army Air Corps. So I know some of what my distinguished colleagues are talking.

I am most appreciative of the efforts and the motives of the distinguished Senator from New Hampshire, Mr. SMITH. I know of his father's great sacrifice during World War II, meaning the sacrifice Senator SMITH's family made to this country. I do not tread upon this subject lightly.

I rise to oppose this amendment. The Senator from South Carolina and the Senator from Hawaii have made very significant, substantive points as to

why it is the wrong course of action, in the opinion of some, including this Senator from Nebraska.

I will say first, there is surely no way a grateful nation can ever adequately compensate or express our feelings to those brave men and women who gave so much to this country, who were the subjects of the slave labor camps, the forced marches, the unspeakable brutality, except this: We should put some of this in some perspective. What, indeed, was it that these brave men and women fought and endured for? It was freedom. It was the liberty for a nation, an individual, to have the kind of life and dignity for which America has stood for over 200 years. That is what it was about.

How do we compensate, how do we adequately thank these men and women? We cannot, of course, but we should remember this: What they fought for, what they endured, can be, in fact, recognized by knowing and understanding that the greatest legacy any of us can leave in life is a family, the world better than we found it, and accomplishing something much greater than our own self-interests. That is the most important dynamic for me as I have listened to this debate and as I have read the reasons and listened to the reasons that Senator SMITH has put forward to essentially change our treaty obligations.

Make no mistake. This is a very significant step that this body, this Congress, this Nation will take if, in fact, we vote for this amendment. Great nations honor their treaty commitments. Treaty commitments are important, and we can debate the specifics of sections and paragraphs of law and treaties, and as has been articulated rather directly and plainly this afternoon, there are various interpretations of that. But we should make it very clear that this great Nation will, in fact, live up to its commitments of our treaties, a commitment that we made 50 years ago when that treaty was signed in San Francisco, which was, as expressed here, commemorated last weekend. It is a 50-year treaty.

Was it awkward? Was it done not exactly the right way? Were parts of that treaty misclassified? Why did we classify some of it in the way we did? I suppose we could take days, weeks, and months debating that, but that is part of a smaller issue. The bigger issue really, in fact, is: Are we, in fact, going to unilaterally reinterpret the commitment we gave to 48 other nations that signed this treaty 50 years ago? That is really the issue.

American prisoners of war forced into slave labor by Japan during World War II suffered unspeakable brutality, and their treatment by Japanese overseers violated every standard of human decency. Their sacrifice and heroism now forms one of the most distinguished chapters in American history.

While we must not forget these Americans who suffered so greatly, we also must not forget our country's historic and principled decision in the aftermath of this terrible conflict. Our peace treaty with Japan was not punitive. Although the United States had defeated a brutal enemy, we chose not to claim the spoils of war. Instead, the peace treaty with Japan reflected the great humanity, vision, spirit and generosity of the American people. Referred to at the time as a ''Peace of Reconciliation,'' it looked forward to Japan's economic recovery and not backward to its defeat. Most important, it reflected the new stirrings of a great and magnanimous superpower.

In 1945, most Americans felt the terms of surrender with Japan were too lenient. By 1951, most Americans began to see Japan in a very different light—as a potential friend and ally in East Asia, not as an implacable foe. When John Foster Dulles negotiated our generous peace with Japan, waiving all reparation claims, the American public supported the treaty, and the Senate ratified it with a lopsided majority, 66–10, on March 20, 1952. The United States has stood behind this decision for 50 years. Last Saturday, on September 8, Secretary of State Powell and Japanese Foreign Minister Tanaka commemorated the 50th anniversary of the Treaty of San Francisco at San Francisco's War Memorial Opera House, and formally renewed the strategic partnership between the United States and Japan. This relationship stands as one of this country's most important—a tie of friendship and common interest that will grow stronger and become increasingly important to our strategic interest in East Asia and the world in the coming decades.

Senate amendment No. 1157, which has been offered today, would prevent the State and Justice Departments from stating our San Francisco Treaty obligations in court. This action is not insignificant. It would hamper the President's ability to conduct United States foreign policy, and it would violate the spirit, and likely the letter, of one of the most significant treaties of the 20th century. This would set a dangerous precedent. While many of my distinguished colleagues may no longer agree with the decision made by the United States in 1951, it still stands as a treaty obligation and the official United States position in U.S. court cases. We are a nation that upholds the rule of law and honors its treaty commitments.

How then should we honor and fairly compensate the Americans who suffered grievously as slave or forced labor in World War II without violating our long-held treaty obligation with Japan? Two of our World War II allies, Canada and the United Kingdom, recently provided compensation to their prisoners of war—recognizing that Japan has no obligation to do so under the Treaty of San Francisco. This is a model that we might consider using for the surviving American prisoners of war who suffered as Japanese slaves or forced laborers, without undermining our treaty obligations. Under the War Claims Act of 1948, and its 1952 amendment, the United States Government took all responsibility for compensating World War II prisoners of war. Our prisoners of war received some compensation in the decade following World War II. Senators BINGAMAN and HATCH introduced legislation, S. 1302, early last month to provide $20,000 to each veteran or civilian internee, or their surviving spouses.

The last Congress, the 106th Congress, enacted Senate Concurrent Resolution 158 calling on the Secretary of State to facilitate discussions between American prisoners of war forced into slave labor during World War II and the Japanese companies that benefitted from their enslavement. The issue of forced and slave labor has been raised with the Japanese government at a variety of levels by our State Department. The recent decision by Germany to compensate slave and forced laborers during World War II may provide a model on this issue.

Japan and the United States commemorated the 50th anniversary of the Treaty of San Francisco over the weekend. The treaty underpins and supports the United States security structure in East Asia, and forms the basis of our friendship with Japan. Treaty commitments and symbolism are important. We should not risk our reputation as a reliable treaty partner by unilaterally reinterpreting an important provision of this treaty that has stood for 50 years. Great nations are consistent. We should act appropriately.

I will oppose this amendment.

Once again, I ask my colleagues to pay careful attention to this amendment, and in the next couple of hours, if you are not aware of what this amendment does, please make yourself aware of it because if we vote for this amendment, it will be about much bigger things than the specific point of this amendment. I do not believe that is in the best interests of our country, the best interests of the world, and, quite honestly, the best interests of the very families and the legacies these brave men and women will leave behind and what they endured for us.

I ask my colleagues to oppose this amendment as we vote this afternoon and once again recognize the Senator from New Hampshire for his motives, for his intent, but in this Senator's opinion it is the wrong approach to accomplish something that is important.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. I believe there is no further statement to be made with respect to the Smith amendment and that now the unanimous consent agreement takes place whereby the distinguished Senator from North Dakota will ask to set the Smith amendment aside, to be brought up at 5 p.m. with the time equally divided between 5 p.m. and 5:30 p.m., and the vote to

occur at 5:30 p.m. Until then, the agreement is the Senator from North Dakota will be recognized for him to offer an amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 1542

Mr. DORGAN. Mr. President, thank you and I thank the Senator from South Carolina.

I actually have two amendments. I will talk about the first, offer the amendment following my discussion of it, and then ask that it be set aside by consent and offer the second amendment.

I will take a moment to begin discussing the first amendment. The first amendment is an amendment to increase the amount of resources we are putting in this appropriations bill to deal with trade compliance and trade enforcement. The area of international trade is a very important area, and we are losing a lot of ground despite what one hears from some in Washington, DC.

I will put up a chart which shows the trade deficits we now have. This chart shows the ballooning trade deficits year after year after year. These are the merchandise trade deficits. They have risen from $132 billion a year in 1993 to over $450 billion a year in 2000, and will likely to go even higher in the year 2001.

Our trade deficits are out of control. They are growing larger and larger and larger. Now this trade deficit comes from the following sources: In the year 2000, we had an $81 billion trade deficit with Japan; an $84 billion trade deficit with China; a $56 billion trade deficit with the European Union; a $50 billion trade deficit with Canada; and a $24 billion trade deficit with Mexico. Many of our trading partners, as we all know, have a very poor record of complying with trade agreements.

This red book, which my colleague from South Carolina frequently holds up in debate, is a book called ''Foreign Trade Barriers.'' It is a rather thick book that describes all of the trade barriers American producers and workers confront when trying to send American products abroad.

Let us talk for a moment about China, Japan, Canada, and Mexico. Do you know that the number of people at the Department of Commerce who are monitoring our trade with China has declined from 10 to 7 people between 1994 and the year 2000? We used to have 10 people monitoring our trade with China; last year we had only 7.

What do we have with China? An $84 billion trade deficit. In 1992, China agreed to eliminate import licenses. Shortly after that agreement was signed, Beijing announced a new series of import registration requirements that covered many of the same products. They have reneged on commitments to make public the rules and regulations affecting foreign trade and investment. But that is just an example of how we negotiate agreements. We just negotiated a new bilateral agreement with China. Nobody seems to ever care whether the other country complies with its half of the bargain.

With respect to China, we used to have 10 people monitoring trade with China. Now we have seven, at a time when our trade deficit with China is $84 billion.

How about Japan? With Japan, we have an $81 billion trade deficit. In 1992, we had 17 people monitoring trade with Japan with respect to trade enforcement. In 2000, it was seven. So we went from 17 people down to 7 people monitoring trade agreements with Japan. Is that moving in the right direction, with a country that has an $81 billion trade surplus with us or we a deficit with them? I do not think so.

With respect to Canada and Mexico, the number of trade monitors has gone from 33 to 13 people. Our ballooning deficit with both Canada and Mexico continues to increase. We used to have 33 people monitoring trade compliance and trade enforcement with Mexico and Canada. Last year, we had only 13.

The Senator from South Carolina has brought a bill that moves in the right direction. It is the right step. It increases these areas. I propose to further increase them to the point where we have a more robust ability to enforce and monitor these trade agreements. My amendment proposes to add $10 million for these activities. This is less than the $30 million that the Senate Budget Resolution called for, but it's a step in the right direction. I will state where I want to get the money, but first let me continue on this trade issue and why it is important.

I spoke last week about international trade and why I get so upset about it from time to time. I mentioned in the area of trade, we have problems with China, Japan, Korea, Europe, Mexico, Canada. I mentioned we have nearly 570,000 motor vehicles coming into this country from Korea every year. Do you know how many vehicles we send to Korea? A little more than seventeen hundred. Think of that.

Today in Canada, they are loading molasses with Brazilian sugar. It is called stuffed molasses. Do you know what it is? It is a scheme. It is a fraud in international trade. Stuffed molasses is a way to artificially take Brazilian sugar and move it from Canada into this country in contravention of our trade agreement. Does anybody care much about it? No, not much.

China, I could go forever on China. Japan, the same thing. I could talk forever about the trade impediments and the barriers to try to get American products into those countries or to stop unfairly subsidized products from those countries coming into our country.

I come from a State where we produce wonderful potatoes up in the Red River Valley. We produce a lot of potatoes. Some are turned into potato flakes which are used in fast food. Try to send potato flakes to South Korea. Do you know what happens when you try to send potato flakes to Korea? They impose a 300-percent tariff on potato flakes. Outrageous. And we have a huge deficit with Korea.

How about with Mexico? We have a very large deficit with Mexico. Incidentally, before NAFTA we had a tiny surplus, and then we passed a trade agreement and turned it into a huge deficit. We try to send high fructose corn syrup to Mexico, and they put the equivalent of a 33- to a 73-percent tariff on it.

The fact is, this country does not stand up for its economic interests. Too many people in this country do not seem to care. This burgeoning trade deficit will make a difference. It will be repaid someday in some way by a lower standard of living in this country. We ought to get it under control now. We ought to do it by insisting on other countries owning up to the trade agreements they have reached with us and by insisting in this country that our own trade negotiators begin to negotiate trade agreements they do not lose in the first week of the discussion.

What am I proposing? I am proposing that we reverse the trend we have regarding a reduction in the number of people enforcing our trade agreements and monitoring compliance of these agreements. As I mentioned, this number has gone from 10 people monitoring China down to 7 people; from 17 people monitoring Japan down to 7 people; from 33 people monitoring Canada and Mexico to 13 people. I am suggesting we reverse that trend.

How do we reverse it? By adding $10 million as a first step back to this appropriations bill. How would I get the money to do that? To get the money to enforce our trade laws, I propose we cut funding for something called TV Marti. TV Marti, boy, that will spark some interest among some. Let me describe what TV Marti is.

TV Marti is the basis by which we broadcast television signals into Cuba to tell the Cubans the truth. The Cubans need to know the truth. They can get a lot of Miami radio stations and from Radio Marti. I support Radio Marti. It costs $14 or $15 million a year. Having been in Cuba, I understand the Cubans listen to and appreciate the broadcasts. Good for Radio Marti. Count me as a supporter.

But nobody sees TV Marti. Each year we spend lots of money on TV Marti, despite the fact that it is absurd to do so. Here is the television picture seen on TV Marti in Havana. Does it look like snow and only snow? It does, because it is jammed. The signal does not get through. It is a jammed signal.

We spend a substantial amount of money, about $10 million a year, on TV Marti. TV Marti has 55 employees, broadcasting 4½ hours a day, from 3:30 a.m.—yes, that is right, 3:30 a.m.—until about 8 a.m. We broadcast a jammed signal, 4½ hours a day, starting at 3:30 a.m. We spend $10 million a year to broadcast a signal no one can see. That is what we do as taxpayers. Is that a

good deal? I don't think so. I think we ought to cut that and use the money to enhance our compliance in the area of international trade.

To make the rest of the case, I will describe more about TV Marti. As I said, I fully support Radio Marti. I know it is effective. TV Marti, on the other hand, is a total, colossal waste of the taxpayers' money, providing no picture to anyone, and does so at 3:30 in the morning.

Last year, we spent $10.8 million beaming TV Marti to Cuba, where the viewership was approximately zero. Since the inception, we have spent about $150 million of taxpayers' money on TV Marti. We continue to broadcast 4½ hours a day—31½ hours a week—from 3:30 a.m. until 8 a.m. What we broadcast are fuzzy lines, as I indicated before. TV Marti's broadcast to Cuba has been consistently jammed to the public. No one can view the programs.

To lessen the effects of jamming, the TV Marti signal is randomly shifted east and west of Havana during broadcast hours. Those who want to watch a snowy jammed signal that one cannot see have to catch it as a signal that moves around Havana somewhere between 3:30 in the morning and 8 a.m.

TV Marti is seen by those who would visit the visa department at our Interest Section in Havana where they play videotapes of the program. Thus, it reaches those who have already decided they want to leave Cuba. We have plenty of evidence there are people who want to leave Cuba. I don't know that we have to tell the Cubans the difference between living in the United States and in Cuba. People living in Cuba understand what is happening in Cuba.

Let me talk about the question of whether we want to spend money on something that is not effective. We broadcast TV Marti through an antenna and a transmitter mounted on a tethered balloon 10,000 feet above Cudjoe Key in Florida. This is a picture of Fat Albert. Fat Albert is the aerostat balloon which we send up to 10,000 feet which broadcasts a line of sight signal to Cuba that is jammed at 3:30 in the morning. A Cuban television set can have snow. Fat Albert, of course, is not invincible. Television is easy to jam. TV Marti is easy to jam. TV Marti's signal, according to experts, is able to be jammed by several off-the-shelf antennas and 100-watt transmitters, the power of a light bulb. The antennas cost about $5,000 each to block the signals.

Why waste money when the message can get through by radio and you can't get the message through by television signal? Transmitting by aerostat balloon is not perfect. They have to be taken up and down. They regularly require maintenance. They are affected by weather conditions.

TV Marti employs 55 people and keeps spending money even if the balloon cannot go up for various reasons. TV Marti did not broadcast from October 1999 to October 2000 because it lost its transmission balloon in a storm. Fat Albert got lost in a storm and they did not broadcast for an entire year. But they continued to operate at TV Marti at $27,000 a day.

This was not the first time that a Fat Albert-type balloon had problems at Cudjoe Key. In the early 1990s, a Fat Albert balloon broke from its cable and landed in the Everglades 70 miles away where it was recovered by a team with a helicopter. And a balloon like Fat Albert escaped in 1981—before TV Marti started, of course—and local fishermen caught it and tethered it to the bow of the boat. As the sun warmed up the blimp, it started to rise higher and higher and actually lifted the fishing boat out of the water and the poor folks in the fishing boat had to dive off the boat. So much for Fat Albert and so much for tethered balloons.

That is how we broadcast a blocked signal to Cuba. We have an aerostat balloon, Fat Albert, broadcasting a jammed signal to Havana, Cuba, at 3:30 in the morning so people with a television set are unable to see a picture. And this is paid for with U.S. taxpayers' funds.

One might be able to ask the question with a straight face, is this good public policy? Does it serve the taxpayers interests? With Radio Marti, the answer to that would be yes. Radio Marti works. The signal gets through to Cuba and people listen to it. I think it is an effective piece of public policy.

TV Marti has been supported, notwithstanding the fact it does not work, by this Congress year after year because even waste has a constituency. No more, in my judgment.

Let Congress, where we are wasting money, stop wasting money and invest that money in something that is important for this country. In this case, we have a crying need to better enforce our trade laws and make sure that other countries comply with the trade laws that they have entered into with us. Let's not see a continued degradation of our ability to comply and enforce our trade laws with China and Japan and Europe and Mexico and Canada. Let's enhance that. Let's not degrade it.

Yet, what we have seen in recent times is a substantial diminution of our ability to require others to comply with our trade laws and to enforce those trade laws.

My proposition is simple: Abolish that which is wasteful, TV Marti. And, yes, we will get people coming to the floor who say: Gosh, this would be the wrong signal to send to Fidel Castro. He doesn't get the signal nor do the Cuban people get the signal. This is not about signaling anybody except the American taxpayer that we will quit wasting money.

I am sure people will make the point: We should not give aid and comfort to Fidel Castro. I am not interested in that. I am interested in giving aid and comfort to the American taxpayer. Cuba is a country that, in my judgment, needs a new government; its people deserve a new government. The approach that we use to deal with it ought not be an approach that wastes American taxpayers' money. It ought to be an approach that is effective, investing in the things that can help us give the Cuban people some assistance. Radio Marti does that. TV Marti does not.

I hope that if we decide to abandon a failed policy, we do not get into a debate about this failed policy somehow giving comfort to Fidel Castro. It does not make any sense to me.

In 1991 and 1994, the President's Task Force on U.S. Government International Broadcasting found there was not enough of an audience for TV Marti to continue funding it. That was nearly a decade ago when that judgment was made. A decade later we are still doing it. In 1994, it was concluded it was pointless and wasteful to continue TV Marti's operations unless the viewing audience could be substantially expanded. The viewing audience in 2001 is about the same as it was in 1994, nearly zero.

It is time, in my judgment, long past the time, to use these funds in a more effective way. We should pursue a public policy that will strengthen the United States and help it with respect to its problems in international trade.

So that is my proposal. As I indicated, I know it will be controversial for some, not perhaps because I want to invest more in making sure we better enforce our trade law and have people monitoring its compliance with respect to other countries. It will be controversial because I propose abolishing the $10 million of funding for TV Marti.

Again, let me say almost everyone will concede that virtually no one in Cuba sees the signals of TV Marti. As I mentioned before, Radio Marti is effective, but TV Marti is a colossal and tragic waste of taxpayers' money. I hope my amendment will be accepted as one that is thoughtful, useful, and one that will advance this country's interests.

Mr. President, I am going to ask the amendment at the desk be called up at this point.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1542.

Mr. DORGAN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To increase funds for the trade enforcement and trade compliance activities of the International Trade Administration and to reduce funds for TV Marti)

On page 44, line 1, strike ''$347,090,000'' and insert ''$357,090,000''.

On page 44, line 6, strike ''$27,441,000'' and insert ''$32,441,000''.

On page 44, line 7, strike ''$42,859,000'' and insert ''$47,859,000''.

On page 88, line 7, strike ''and television''.

On page 88, line 9, strike ''and television''.

On page 88, line 10, strike ''$24,872,000'' and insert ''$14,872,000''.

Mr. DORGAN. Mr. President, the amendment does exactly what I described with respect to the numbers.

That is all I have to say about the amendment. If there are others who wish to speak on it, I will be happy to entertain questions or engage in a discussion with them. If not, I ask consent to offer a second amendment to this legislation. I therefore ask unanimous consent to set aside the pending amendment so I may offer my second amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. Reserving the right to object, let me say a word. Will the Senator yield?

Mr. DORGAN. Perhaps the Senator from South Carolina should seek recognition, after which I will seek to be recognized.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the distinguished Senators from Florida, both of them—Senator GRAHAM, I am sure, will be here momentarily. I think he is on the way to the floor. I am double-checking that now.

The junior Senator, Senator BILL NELSON, was with the President in Florida. Maybe that is where Senator GRAHAM is also. But that is why they are not here to be heard. It is very vital to their interests to be heard.

Barring that, let me say defending Fat Albert has always been a role of this particular subcommittee. Time and again, since its institution over 15 years ago, we have had reports—the most recent one, of course, is the one referred to by my distinguished colleague from North Dakota—the Report of the Advisory Panel on Radio Marti and TV Marti.

While it found it might not be economically feasible, I read the finding:

TV Marti's broadcasts are technically sound and contain essential information not otherwise available to the Cuban people. Persistent Cuban jamming does limit viewership on the island, however. These broadcasts could prove vital to the United States interests and to the welfare of the Cuban people now and in the future.

True it is, it comes on in the middle of the night, 3 in the morning, but then it goes on to early morning when it is generally picked up, except for that year's period when Fat Albert was down.

Our distinguished friend Larry King made himself famous. I used to be on his program when it was out on the west coast at 1 in the morning. It was only, what, 10 o'clock or 11 o'clock in California. But he came on at midnight to 3 in the morning and got so famous that we can't get him off the air now. He is on the east coast at 9 o'clock every night. I don't think he should be off the air. I think it is wonderful programming.

So my emphasis is on the timing of it. We are going to have these debates back and forth on this particular amendment. As I understand the unanimous consent agreement, we are going to vote on the Smith amendment after a half hour equally divided, from 5 to 5:30. We are going to vote at 5:30 on the Smith amendment. Then we'll have the other votes with respect to the amendment of the distinguished Senator from Idaho relative to the International Crime Commission. The Fat Albert amendment, which the Senator from North Dakota has up, is subsequent thereto.

Having the floor, I cannot pass the opportunity, because as my friend from West Virginia carries around the Constitution, I carry around the record of waste. I heard the word ''waste'' but it was in regard to about $10 million. Let's talk about billions—$1 billion a day waste.

I hold in my hand the public debt to the penny, put out by the Department of Treasury as of this morning. We are already in the red this fiscal year, which is going to end now in about 3 weeks' time, $100 billion.

That didn't happen overnight. I guess $74 billion came from that tax cut—that didn't help the economy—and the rest just followed suit. But that is another debate to be had at a different time.

But let's pay attention to the fact that the public debt is $100 billion. If anybody wants to get into this yin-yang about the public debt and the Government debt—yes, the public debt has gone down $59 billion but the Government debt has gone up $159 billion. So it is paying off your Visa card with your MasterCard. That gets people confused. But there is not any confusion on the actual figure put out by the Treasury Department of $100 billion.

Under President Bush's budget and under the CBO budget, both of them submitted within the last 3 weeks, they estimate a deficit ending the fiscal year, that is September 30—today is the 10th, 20 days from now, of $123 billion or $124 billion.

Consequently, since we ran a deficit last year of $23.2 billion, and we are going to run a deficit this year—where is the surplus that everyone talks about? I have been on the floor since January saying: Wait a minute, there is not any surplus, there is not any surplus. But everybody was talking surplus to get that tax cut. Now they are all running around saying where has the money gone?

The big waste is the interest cost, when the debt goes up, up and away, from $5.674 trillion at the end of the last fiscal year, to now, this minute, it is at $5.774 trillion. The interest costs necessarily go up. As that interest goes up, the waste goes up.

Having talked about waste, let me say a word about the current account deficit, or the deficit in the balance of trade. This is a favorite subject of mine. It used to be just $17 billion. Monitoring that $81 billion deficit in the balance of trade with Japan, that $17 billion is down to $7 billion; or that $10 billion, monitoring the $84 billion deficit in the balance of trade with the People's Republic of China, is down to $7 billion.

There is a question about this particular International Trade Commission receiving more money. I have found from some 34, almost 35 years' experience, that the International Trade Commission is a gimmick. The reason I call it a gimmick, advisedly, is through hard experience.

Time and again, corporate America has taken its trade violation case against Japan, against China etc., to the International Trade Administration in the Department of Commerce, and they have found a dumping case, that the goods are being sold at less than cost.

I have a Lexus. Let's say that Lexus costs $35,000. Go buy that same Lexus in Tokyo, Japan. Its cost is $45,000.

The Japanese article imported into this country is sold here for much less. Time and time again it is proven that it is being sold at less than cost. Take the Kodak case. What happens? That is what I call a gimmick. Then they go for a fix before the Finance Committee of the Senate to find out, even though there is dumping, if there is injury. That is the question before the International Trade Commission. And they file for injury.

It is very interesting that there is now a steel case the President is disturbed about because over 20 mills have closed down in the last 18 months with a loss of 40,000 steel jobs. Since NAFTA, the State of South Carolina has lost 48,600 textile jobs, which are just as important as the steel jobs to the economy—found so by a special hearing under President Kennedy. But time and again you go before the International Trade Commission, and that is why they don't enforce the laws.

There is no such thing as free trade.

That was a pretty good wag at the end of World War II when we had the whole industry and we were in the cold war and wanted capitalism to defeat communism. We put in the Marshall Plan. We more or less gave up our manufacturing sector in pursuit of the defeat of communism with capitalism. It has worked. Nobody is complaining about that. It has persisted in Europe, even with the fall of the Soviets, and certainly is strong and viable in the Pacific rim.

I was just in the People's Republic of China. They are on the right track. But don't misunderstand my statement. China is communist, and many human rights abuses occur there. But as the seed of capitalism takes over more and more each day, as it finally prevailed in the Soviet Union, the hope of the free world will prevail in the People's Republic of China.

We have really gone awry with respect to international trade that the distinguished Senator talks about.

I say there is no such thing as free trade. Let's go back to the earliest day when this country was built on protectionism. The debate ensued. Colonies had just won their freedom. The United Kingdom said to the fledgling colonies, you trade with us what you produce best and we will trade back with you what we produce best. Early economist David Ricardo put forth his doctrine of comparative advantage. However, the trade debate really was between Thomas Jefferson, the agriculturalist, and Alexander Hamilton, the industrialist. Hamilton wrote a booklet called ''Reports on Manufacturing.'' There is one copy left in the Library of Congress. But in a line, without reading that booklet, he told the Brits to bug off; we are not going to remain your colony and ship you our agriculture, our foodstuffs, our timber, our iron ore, and bring in the finished products from England.

As a result, the second act that passed this Congress in its entire history—the first act was for the seal—but on July 4, 1789, the second act in its history that passed Congress was an act of protectionism and a 50-percent tariff on 60 articles.

We began the United States by building up its manufacturing capacity. Lincoln kept it going at the very beginning of the War Between the States whereby we were trying to build a transcontinental railroad. They said we were going to get the steel rails from England. President Lincoln said no. He said we would build up our own steel capacity, and when we were through, we would have not only the transcontinental railroad, but we would have a steel industry.

It comes right on down the line with America's agriculture and the darkest days of the Depression when the only hope we had was hope itself. It was Roosevelt who put in the best of the best protections.

We will be passing an agriculture bill. I don't know where we are going to find the money. But you can bet your boots it will be $5 billion to $6 billion for America's agriculture. We subsidize—protect, if you please.

My point was made best by Akio Morita of Sony some 20 years ago up in Chicago when we had a conference up there, and he was addressing the emerging Third World nations. He admonished that they had to develop a strong manufacturing sector to become a nation state. He pointed at me and said: Senator, the world power that loses its manufacturing capacity will cease to be a world power.

Where are we? From 41 percent of the workforce in manufacturing down to 12—making what? Nothing.

I was sort of amazed at Alan Greenspan saying in February that we have so much productivity we must have a surplus as far as the eye can see, and so we ought to have a tax cut when the productivity has gone overseas.

We have lost 1 million manufacturing jobs in the last year in the United States of America. That is the problem that we have with respect to trade. There is no question that if we don't begin to compete—as the distinguished Senator from North Dakota wants to do with respect to these trade deficits going up, up, and away—we will finally learn the lesson that has already been given us.

In 1989, we passed a resolution to have hearings with respect to China on human rights. And the Chinese went down to New Zealand, to Australia, and over to Africa and their friends. They never had a hearing on that resolution. About 5 months ago the United States was kicked off the Human Rights Commission. Sudan and Libya remained on the commission.

The atom bomb, the aircraft carrier, forget it. It is the economy, stupid. It is the industrial power, and your money in international affairs as well as domestic politics.

We don't seem to realize that the name of the game out there is market share. The name of the game in the United States is standard of living. So we continue to add not just a minimum wage, Social Security, Medicare, Medicaid, plant closing notices, clean air and clean water, safe workplace conditions, safe machinery, and on and on. Ergonomics was the last one. I am glad we voted it down. But they think up all kinds of things here for the high standard of living, and then don't want to protect the economy of the United States.

The security of our Nation is like a three-legged stool. You have the values as a nation, the one leg; unquestioned. Everyone knows that America stands for indivisible rights and freedom. The second leg is the military; unquestioned. But the third leg is industrial capacity. Industrial capacity has been fractured.

I am glad the distinguished Senator from North Dakota brought this subject up when we have just a few minutes.

What we should be doing is paying the bill. What we should be doing is getting competitive and enforcing the laws on the books.

Does the Senator from North Dakota want to set aside his amendment and go to another amendment?

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from North Dakota.

Mr. DORGAN. Mr. President, there is nothing quite like the sight of the Senator from South Carolina in full voice in support of things he cares about passionately. Among them are trade and related issues. He is kind of like a jockey on a horse who are is running when he is moving on these issues. Then I watched him turn to the support of Fat Albert. He had the body language of someone headed toward a dental chair. There is no one, in my judgment, less capable of defending Fat Albert, based on his good record of public service, than the Senator from South Carolina.

I would only like to refer to the 1994 CRS report to Congress about TV Marti. It said TV Marti is worthless. It does not reach the population. It is easily jammed. It broadcasts at 3:30 in the morning. Nobody sees it.

I am not interested in being soft on Castro, nor am I interested in being hard on the American taxpayer. So my point is very simple: Let's get rid of wasteful spending. I understand why some have to defend Fat Albert, but Fat Albert is indefensible. So let's get rid of that $10 million and move on and invest in something that really does strengthen this country and our manufacturing center. Let's demand and insist that other countries with whom we have trade relationships own up to those trade relationships and begin to exhibit fair trade practices with this country.

Again, let me say to my friend, the Senator from South Carolina, I have always enjoyed the Senator from South Carolina when he gets a full head of steam on the issue of international trade. He is interesting to listen to and knows his stuff. I hope he agrees with me that we should increase the number of people engaged in monitoring the compliance and requiring the enforcement of our trade laws with respect to other countries. Compliance and enforcement has decreased rather than increased, and as a result, our trade deficit has dramatically ballooned.

AMENDMENT NO. 1543

Having said all that, let me now turn to my next amendment. I will be mercifully brief. I will offer this amendment because I think it is important to have this discussion and to pass a piece of legislation such as it.

This amendment deals with the Small Business Administration. Many of you will remember the disaster in the State of North Dakota when the city of Grand Forks—the Red River Valley, in fact—experienced a very large flood in 1997. The city of Grand Forks, a city of nearly 50,000 people, had to be nearly completely evacuated. It is almost an unprecedented event in this country, in the last 150 years, to have a city of that size be nearly completely evacuated as a result of a flood.

In the middle of that flood, a fire broke out in the downtown business section. So we had a raging flood of the Red River, that had required the evacuation of a city. Then, we had a roaring fire in the middle of that downtown that had been evacuated. You might remember on television the images of firefighters trying to fight a fire in the middle of a flood. It was really quite a remarkable sight.

That disaster, as other disasters in this country, prompted the Small Business Administration, and other agencies, including FEMA and HUD, to come in with some assistance. We do that in times of disaster. Our Government programs are meant to say to people who are down and out, flat on

their back, hit with a natural disaster: We are here to help you. Here is a helping hand. We want to help you during troubled times. So we did that.

One of the things we did was provide Small Business Administration low-interest loans, 4-percent loans. There were some grants and other things as well, but the centerpiece was an SBA loan to a homeowner or a business that had been dramatically flooded and was in very difficult trouble.

What I did not know at the time, and what I think many of you perhaps do not know in this Chamber, is that those loans by the SBA, including the disaster loans I am now discussing, were later packaged together and then sold to the highest bidder. Companies that are engaged to bring money together to invest in Government loans decide: We are going to now buy a package of loans from the SBA. Then they bid 50 cents on the dollar or 60 cents on the dollar, and they buy the loans from the Small Business Administration.

I never thought much about that. I suspect most people have not thought about that. The problem is when the SBA sells disaster loans, you have the potential for a second disaster for a family or business. Here is why.

The SBA, when it serviced those disaster loans itself, was always reasonably flexible in dealing with people. Oh, we want people to pay those loans back. That is for sure. But if someone got stuck in a tough situation, the SBA would work with them. For example, if a business had to sell one asset and replace it with another asset that was more efficient and if the old asset had an SBA disaster lien on it, the SBA would say: Yes, we will work with you on that; we will transfer the lien. And the business was able to deal with that.

Now these disaster loans are sold to financial companies, and the financial companies say: We are sorry, we don't intend to transfer any liens. We are sorry, there is no flexibility here. We are not going to do what the SBA did for you.

I will give you an example—there are many—but I will offer an example of a woman in Grand Forks, ND. This is one of many letters I have received:

I'm another flood victim trying to find a way to transfer the current loan I have from the SBA to another property. My SBA loan was sold to [blank—I will not name the company—] and I've been told by them they don't transfer loans, period. So I am out of luck. Personal circumstances made it necessary for me to sell my property. And I need this low interest rate in order to afford another property to get back on my feet.

She had the disaster. The disaster still hurts, but something happened in her circumstance where she had to sell that property and replace it with another property because of family circumstances. In the past, the SBA always would have said: Yes, we will work with you to transfer the lien, as long as we still have a lien on the property. The new investors—now that the loans have been sold—say: We're sorry, we won't change the interest rate on you. We won't change the terms of the loan. But there is no flexibility. Any changes at all might cost you a huge fee. And in some cases they say: There's no fee because there are no changes. We have no flexibility.

So I have talked to the head of the SBA. I had a visit with him, in fact, on Friday of this past week. He understands there can be some problems in these areas. He told me he is going to try to put an advisory panel together to see if they can work on individual cases. But I really believe we ought not be selling disaster loans. I do not object to selling other loans, if they want loan processing to be done by someone else in ordinary circumstances, but I do not believe disaster loans represent ordinary circumstances. I believe disaster loans ought to be serviced by the SBA. That way, the SBA controls and maintains the policies with respect to how these loans are treated.

My preference is that the SBA go ahead and sell whatever loans they want, except disaster loans. The SBA, I believe, has a responsibility and an obligation to service those disaster loans.

CBO tells me there is no scoring on this amendment.

So I am offering the amendment. I do not know whether a copy of my amendment is at the desk. If not, I will send it to the desk at this point.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1543.

Mr. DORGAN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the sale of disaster loans authorized under section 7(b) of the Small Business Act)

At the appropriate place, insert the following:

SEC. . PROHIBITION ON SALE OF DISASTER LOANS.

Notwithstanding any other provision of law, no amount made available under this Act may be used to sell any disaster loan authorized by section 7(b) of the Small Business Act (15 U.S.C. 636(b)) to any private company or other entity.

Mr. DORGAN. Mr. President, I will not continue further. I have been appreciative of the efforts by the Senators from South Carolina and New Hampshire to allow me to offer these amendments. I know they will set them aside to proceed with other things on the bill.

I will continue to work with those in the authorizing committee on a couple of these issues. But it is my hope we will be able to consider both pieces of legislation favorably. I know one of them is—or can be—controversial; it should not be. As I said, even waste has a constituency, I guess, in Congress and perhaps in some parts of the country. But I think, to the extent we can—especially as we suffer an economic downturn in this country—when we see waste, we really ought to eliminate it. On behalf of the American taxpayer, we ought to take action. So my hope is that the Senate will find its way to be supportive of both amendments I have offered.

Mr. President, I understand there will be a request to set these aside. I will be happy to work with the chairman and the ranking member to see if we can find a way to clear one or both of these amendments as we proceed.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I want to hear momentarily from the Small Business Administration with respect to the handling of these disaster loans. The position of the distinguished Senator from North Dakota is very appealing. It sounds logical to me.

On the other hand, think of it for a second, and you understand that SBA is selling these particular loans and taking the funds and leveraging even more SBA loans. Because of some of the wrongs that may have occurred with the private sector purchasing the loans, as well as other administrative problems, I want to hear from the Small Business Administration.

I am not trying to put it off, but I will learn quite shortly. I know there will be opposition to Fat Albert. There are a lot of people on a diet, but not Fat Albert.

Mr. DORGAN. Mr. President, if the Senator from South Carolina will yield, my hope is that as he continues to consider this issue, he will be the last to come to the aid of Fat Albert, having heard my discussion about Government waste and knowing his position on Government waste. My hope is he will be the last in line to be supportive of the aerostat balloon called Fat Albert, a balloon that broadcasts a signal no one can see at 3:30 in the morning.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HOLLINGS. Mr. President, as I understand the pending business, and I ask the Chair to confirm, at 5 o'clock we come back to the Smith-Harkin amendment relative to compensation for the POWs, Japanese prisoners of war, with the time equally divided between Senator SMITH and Senator INOUYE, 15 minutes per side.

The PRESIDING OFFICER. The Senator is correct.

Mr. HOLLINGS. I suggest the absence of a quorum, with the time to be equally allocated to both Senator SMITH and Senator INOUYE.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SMITH of New Hampshire. Mr. President, it is my understanding we have the vote on the Smith amendment at 5:30. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. SMITH of New Hampshire. I say to my colleagues who are also here to speak, I will be very brief in deference to those on both sides who wish to speak.

I want to say what the Smith amendment does. It says:

> None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

All this says is that no funds in this act will be used to block that lawsuit.

That is it. We are not making any editorial comment on the merits or demerits of the lawsuit or who should win it. I have personal feelings about who should win it. I believe the Ameican POWs should win the lawsuits. That is up to the courts. All we want to do is let that process proceed.

I also want to make it very clear that this amendment does not abrogate the 1951 peace treaty with Japan. I repeat, It does not abrogate the 1951 peace treaty with Japan. It merely limits the State and Justice departments from interfering in the veterans' lawsuits.

Why does it not do it? Because article 26 makes it very clear that if the Japanese should enter into any agreement that is more advantageous, then the same terms apply to all the signatories to the treaty. That is what it says. Should Japan make a war claims settlement with any state granting that state greater advantage than those provided by the present treaty, those same advantages shall be extended to the parties to the present treaty.

Did that happen? The answer is, yes, it did—right here in an agreement that was written between the Japanese Government and the Dutch. The point is it did happen.

We are not violating the treaty. Article 26 is part of the treaty. We are simply complying with the treaty.

The bottom line is we are not only not abrogating it, but we are complying with the treaty. This is about whether or not we are going to side with Japanese companies or American war heroes. That is the bottom line. That is the issue. As Senator HOLLINGS said a while back, this is about the Constitution and about the treaty; it is not. We are complying with the treaty with this amendment.

This is about siding with Japanese companies in this lawsuit or with American war heroes.

That is the issue. We are not even doing that. We are just allowing the process to move forward because American war heroes can have their day in court. That is all we are doing. The treaty allows for that very clearly.

As I indicated in my previous remarks today, John Foster Dulles, when he did the background and memorandum of understanding and wrote some of this language, understood it, too. Then this was classified for 50 years.

We didn't know about it. The lawyers who are trying to present these lawsuits on behalf of American war heroes—the greatest generation—didn't have access to this information until it was declassified a year ago. That is what this is about, pure and simple. There is nothing complicated.

You are either for allowing American war heroes who were in the Bataan Death March and who were forced into slave labor camps to have their day in court—you don't even have to be for them winning, as I happen to be, and as I know many others are. You just have to be for allowing them their day in court as is prescribed under that 1951 treaty, period. That is what it is about. You are either for that or you are for the Japanese companies that basically forced them into slave labor.

That is the difference. That is what we are talking about in this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I believe all of us will agree that the atrocities committed and the inhumane treatment of our war prisoners cannot be condoned and cannot in any way be justified. We condemn those atrocities. It is not a question of Japanese corporations versus American heroes. What is involved is the Constitution of the United States. Article II makes it very clear that treaties are to be negotiated by the President or the executive branch of this country—not by any State, nor by any individual, nor by the Senate. It will be by the executive branch. There is no question about that.

The document that my dear friend from New Hampshire has referred to which was arranged by our then-Secretary of State, John Foster Dulles, should be praised and not condemned. I would like to explain.

I believe the references to this arrangement is a bit misleading. I say so most respectfully. This arrangement which was engineered by Secretary Dulles was simply a side agreement designed to address a domestic issue for the Dutch and thereby enabling the Dutch to sign on as a signatory to the treaty of peace in San Francisco.

It does not in any way change the terms of the treaty. My colleagues from New Hampshire and Iowa have read the documents. But somehow we have slid over certain words. If I may, very carefully I will quote from their document.

> However, the Japanese Government points out that under the treaty allied nationals will not be able to obtain satisfaction regarding such claims. Although, as the Netherlands government suggests, there are certain types of private claims by allied nationals which the Japanese Government might wish voluntarily to deal with.

We have somehow skimmed over that word ''voluntarily.''

At this moment, Mr. President, if you wanted to sue me and I said to you, I voluntarily open myself up to you, we need not go to court, no one is going to fuss over that. If at this moment a prisoner of war of the United States should decide that he wants to sue the Japanese Government or a Japanese national notwithstanding the treaty, and if that Japanese national or the Japanese Government should say, yes, they voluntarily expose themselves, we don't have to break the treaty. But if the Japanese Government or the Japanese national should resist and challenge that claim, then I say the executive branch of the Government of the United States should have every right to intervene in such a suit because it does impact upon the treaty of San Francisco.

I think we should read this again:

> There are certain types of private claims by allied nationals which the Japanese Government might wish voluntarily to deal with.

This amendment is not necessary. If you want to sue the Japanese Government or its national at this moment, and the Government and the national said to you, yes, they will voluntarily enter into an agreement with you to compensate you for whatever claims you may have, no one is going to complain. But this amendment will without question impact upon the treaty. It will abrogate the treaty. Then other countries will begin to doubt our good word. Is our word good? Are the promises made by the United States good? We are constantly criticizing other nations for violating, if I may say, provisions of treaties.

This is very simply an attempt on the part of the United States to violate a provision of a treaty. I hope that my colleagues will not lead us down this very dangerous path. If we violate, how can we be critical of other nations violating provisions of their treaties? So I hope this matter will be settled. And accordingly, if I may, Mr. President, I move to table the Smith amendment.

The PRESIDING OFFICER. The motion is premature while time remains.

Mr. INOUYE. I assumed the Senator had finished.

Mr. SMITH of New Hampshire. Senator HARKIN wishes to speak.

Mr. INOUYE. I am sorry.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. How many minutes do we have?

The PRESIDING OFFICER. Six minutes.

Mr. HARKIN. Mr. President, first of all, we are not abrogating any treaties with this amendment. How could we abrogate a treaty with an amendment that simply says: No moneys can be expended by the State Department Attorney General to go into court opposing our POW cases against private Japanese companies? That is all we are saying. Again, we have done this time and time and time again in the history of this country. This is not something new.

We have the power to do that. We have the power of the purse strings. We are not abrogating the treaty. We are just saying that the U.S. Government cannot go into court using taxpayer money to oppose the POWs who are filing these lawsuits.

If the court upholds the treaty and says that they cannot get anything, that they have already been compensated, well, that's the end of it. I guess they can appeal it to the Supreme Court of the United States, but if the courts find, as my friend from Hawaii says, that this treaty holds and would be abrogated, and we can't do that, then that is the end of the case, but at least the POWs will have had their day in court.

That is all we are asking with this amendment. We are not abrogating any treaties; we are simply trying to uphold the rule of law and our own private citizens' rights.

Let's keep in mind whom we are talking about: 30,000 men who served their country in unbearable conditions in Japanese prisoner-of-war camps. Now we are talking about at least 700 of them—some from my own State of Iowa—seeking some long-delayed justice. They have gone to court to demand compensation from the Japanese companies that used them as slave laborers.

And who were these companies? Mitsubishi, Mitsui, Nippon Steel. These are not tiny, little companies that are going to go broke because they might have to pay these people some back wages and compensation for what they endured during those war years.

I think it is unconscionable that our own State Department has intervened in the courts to keep them from pressing their case. That is not right. It is not fair.

So, No. 1, this amendment does not, in any way, undermine the treaty. Let the court decide that. All we are saying is, the State Department cannot use our taxpayers' money—the very taxes paid by these former POWs—to go into court to keep them from seeking redress.

No. 2, this does not violate a separation of powers. We have, time and time again, used the power of the purse strings to say that the Attorney General cannot intervene in certain court cases. That is nothing new. We have done that before.

No. 3, they have said the POWs have already been compensated by the United States. Well, I talked to three POWs from Iowa who were slave laborers in Japan during the war, and not one of them got paid. So I do not know whom they are talking about, but they did not get a dime.

No. 4, it has been said this opens up the United States to lawsuits from other countries. Again, the United States was known to treat our POWs more decently. Many of the German POWs who worked here in the cotton fields were indeed paid for their work when they worked in the United States as POWs.

Again, we can get wrapped up in all these details, but let's keep in mind what we are talking about. We are talking about men who survived on a cup of rice a day. The one person I knew in Iowa, who is still alive, went from 160 pounds down to 68 pounds in 3 years working in a Japanese auto parts factory and then in the lead mines in Japanese occupied territory.

Again, these survivors and their families should at least give them their day in court. That is all we are asking. Mitsubishi, they have a lot of money. Nippon Steel, they can hire the best lawyers if they want to argue this case.

Mr. President, I ask unanimous consent to have printed in the RECORD the number of former POWs in various States who would be affected by this class action suit: 1,454 in California, 200 in Arizona, 200 in Colorado, 150 in Georgia, 150 in Illinois—I am not going to read the whole list, but I ask to have that list printed in the RECORD.

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

STATE BY STATE LISTING OF SURVIVORS AND THEIR FAMILIES WHO WOULD BENEFIT OR WOULD BE AFFECTED BY THE CLASS ACTION SUIT

Arizona: 200.
California: 1,454
Colorado: 200.
Georgia: 150.
Illinois: 150.
Louisiana: 140.
Maryland:, 1,154.
New York: 240.
Virginia: 189.
Oregon: 250.
Texas: 972.
Washington: 350.
Wisconsin: 106.
Ohio: 100.
North Carolina: 100.
Pennsylvania: 100.
Massachusetts: 100.

Mr. HARKIN. Mr. President, again, let's keep in mind that all the Smith-Harkin amendment says is: Do not use taxpayers' money to have the State Department come into court to fight our former POWs who are seeking compensation from Japanese companies that never paid them. That is all we are asking. If the judge and the Supreme Court of the United States find that they cannot abrogate that treaty, that is the end of it, but at least give them their day in court.

Let's not turn our backs on them. They suffered long enough. It is time they get their just compensation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, just a unanimous consent request.

I ask unanimous consent that Senator WAYNE ALLARD be added as a cosponsor to the amendment.

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

The sponsors' time has expired.

Who yields time?

The Senator from Hawaii.

Mr. INOUYE. Mr. President, as I indicated earlier this afternoon, it was certain that this debate would become a highly emotional one. A few of us were involved in that ancient war, and we know what the Bataan Death March was all about. We do not condone that; we condemn it. We are not here to justify or provide a rationale for the actions taken by the Japanese troops; far from it. But we are here to maintain the integrity of our country and our treaties.

Yes, we have provided provisions in the appropriations bill stopping our Departments from suing on certain issues, but never on a treaty. This one will break a treaty.

So, Mr. President, I hope my colleagues will go along in support of my motion to table.

Mr. SMITH of New Hampshire. Mr. President, before the motion is made, I have one more unanimous consent request.

I ask unanimous consent that Senator BEN CAMPBELL also be added as a cosponsor to the amendment.

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

Who yields time?

Mr. INOUYE. Mr. President, what is the time situation?

The PRESIDING OFFICER. The opposition has 2 minutes remaining.

Mr. INOUYE. I yield back the remainder of our time and move to table the Smith amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

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

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Missouri (Mrs. CARNAHAN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Florida (Mr. NELSON), the Senator from Michigan (Ms. STABENOW), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. KYL) and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

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

The result was announced—yeas 34, nays 58, as follows:

[Rollcall Vote No. 276 Leg.]

YEAS—34

Akaka	Fitzgerald	Mikulski
Biden	Gregg	Murkowski
Bond	Hagel	Nelson (NE)
Byrd	Helms	Nickles
Carper	Hollings	Reed
Chafee	Inouye	Reid
Cleland	Jeffords	Rockefeller
Corzine	Kohl	Sarbanes
Daschle	Levin	Stevens
Dodd	Lott	Thompson
Enzi	Lugar	
Feinstein	McConnell	

NAYS—58

Allard	DeWine	Lincoln
Allen	Domenici	Miller
Baucus	Dorgan	Murray
Bayh	Durbin	Roberts
Bennett	Ensign	Santorum
Bingaman	Feingold	Schumer
Boxer	Frist	Sessions
Breaux	Graham	Shelby
Brownback	Gramm	Smith (NH)
Bunning	Grassley	Smith (OR)
Burns	Harkin	Snowe
Campbell	Hatch	Specter
Cantwell	Hutchinson	Thomas
Clinton	Hutchison	Thurmond
Cochran	Inhofe	Voinovich
Collins	Johnson	Warner
Conrad	Kennedy	Wellstone
Craig	Landrieu	Wyden
Crapo	Leahy	
Dayton	Lieberman	

NOT VOTING—8

Carnahan	Kyl	Stabenow
Edwards	McCain	Torricelli
Kerry	Nelson (FL)	

The motion was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1538) was agreed to.

Mr. SMITH of New Hampshire. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I rise very briefly to give my colleagues some bad news and some good news. The bad news is the house of my colleague, Senator JEAN CARNAHAN, was struck by lightening Saturday evening. It suffered serious damage from a fire and also from water.

I spoke with Senator CARNAHAN. She is in Rolla, MO. There are about 30 good friends helping her retrieve her belongings and to work with insurance companies. It is a real mess and she is therefore unable to attend this vote.

The record should show because of this grave, unfortunate circumstance, she did not vote. The good news is she sounded to be in good spirits, no one was hurt, and she expects to return to this body as soon as she can complete arrangements in Rolla. I thank the Chairman, and I thank my colleagues.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, we made some good progress this afternoon. Aside from this particular vote, we have three amendments pending, two by the distinguished Senator from North Dakota, Mr. DORGAN, on both the aerostat of TV Marti and the Small Business Administration amendment.

We have the amendment by the Senator from Idaho, Mr. CRAIG, relative to the International Criminal Court. There being no further debate, as I understand it, I am waiting to check with the leadership on both sides of the aisle on how they intend to continue, but we will meet early in the morning and I am asking all Senators, please, if they have any amendments, get ready and let us bring them up and let us see if we can move along like we did today.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1536

Mr. DODD. Mr. President, I want to be heard on the Craig amendment, unless there is some reason why I cannot. Is that in order?

The PRESIDING OFFICER. The Senator from Connecticut is recognized on the Craig amendment.

Mr. DODD. I thank the President, and I thank my colleagues.

Mr. President, I rise to speak in opposition to the amendment offered by my good friend from Idaho. I do so because it goes back a long time. As a matter of revealing past history, I take great pride in the fact that the person at whose desk I now stand and in whose chair I now sit from time to time was the executive trial counsel at the Nuremberg trials. I was about a year old, a year and 2 months old, when my father went off to Nuremberg as a young lawyer and became an executive trial counsel at the end of those historic trials at the end of World War II.

I remember vividly growing up with my father and others of his generation arguing most strongly that had there been in the 1920's or 1930's criminal courts of international justice the tragedies of World War II might have been avoided.

He never said it would have been absolutely because obviously that would be an impossibility to predict, but there was no place, there was no forum in which the civilized world could gather, in a sense, to denounce or to indict a madman such as Adolf Hitler.

As a result of the world's silence, in many ways, through the 1930's, the events and the tragedies in the latter part of that decade, of course, the events of the first part of the 1940's occurred. So after World War II, there were many highly responsible individuals in this country and elsewhere who argued most strongly for the establishment of such a court. In fact, it was the United States that led the way to establish a United Nations system. It was the Eisenhower administration.

In fact, some of the strongest conservatives of that era argued very strongly that it was in the interest of the United States, in our own self-interest, as the leader of free peoples around the globe to have some place where we could indict those who would commit the horrors and tragedies of human rights violations.

So it is somewhat ironic—in a way sadly so—that we find ourselves at the outset of the 21st century with the United States apparently leading the charge to see to it that no such organization should ever come into existence.

Let me quickly say to my colleagues, I do not at all support the present configuration or proposal on an international criminal court. It is tremendously flawed as a proposal. It is very much in our interest, as a nation, to be at the table to help fashion this court.

Ultimately we may vote against it. We may try to see to it that it does not become established. However, there is a great risk that it will become established. In the absence of our participation, it could end up being a lot worse—for us, for men and women in uniform in this country, for the interests of the United States in an ever-shrinking global community.

I am deeply concerned, as I am now told the administration is as well, with this amendment as presently proposed. As I understand it, the Craig amendment bars the United States from using funds in support of the International Criminal Court or to continue to participate in meetings of the Preparatory Commission which is working to finalize matters relating to the Court.

I think this is a dangerous amendment in many ways. I have proposed language which we have not yet considered in the Foreign Relations Committee dealing with one of the major concerns being raised about the establishment of a criminal court; that is, the vulnerabilities of our men and women in uniform.

The legislation that I have drafted is gathering wide-range support. The administration itself finds an awful lot included in the bill that they would like to support. We are working with them to fashion something to meet their support.

The adoption of this amendment, however, is a major setback, in my view, in this effort. As currently drafted, the Craig amendment forecloses one of the options the Bush administration is currently reviewing with respect to how to remain actively engaged internationally in support of the rule of law.

It is my understanding that the Bush administration strongly opposes, in fact, what our good friend and colleague from Idaho is suggesting with this amendment. Under existing law, the administration is currently prohibited from expending funds in support of the Court. That is the law today. That was adopted in 1999. The law has left the door open for the Bush administration to determine whether or not it wishes to participate in the work of the Preparatory Commission. It makes all the sense in the world to be so involved. The structure of the Preparatory Commission is such that it is

charged with finalizing the details of the implementing language of the Court in resolving outstanding definitions, ambiguities, and difficulties with the Rome statute.

The Craig amendment closes the door with respect to the possibility of U.S. participation in the Preparatory Commission. This, in my view, is very shortsighted since there are a number of issues which we would want to and should work to resolve or clarify, even if we never decide to become a party to the treaty.

Clearly, I am hopeful President Bush will choose to stay part of the Preparatory Commission process, but the decision as to whether or not to do so is up to him, not up to the Congress. Frankly, to prohibit the President from participating in the Preparatory Commission is probably a violation of the President's constitutional treaty power to conduct negotiations with other states on behalf of our own Nation. Moreover, I think this amendment sends a terrible signal just as the international community gathers in New York to listen to President Bush address the United Nations for the first time since coming to office. What message will they derive from yet another U.S. unilateral rejection of internationalism? Perhaps they will take it as a signal that we in the United States no longer intend to be leaders in the international advocacy of the rule of law and human rights.

How ironic, how truly ironic that is. How quickly we seem to have forgotten the Holocaust and the international community's decision to convene the Nuremburg trial of the leading Nazi war criminals following World War II, or that this war crimes tribunal was largely an American initiative. Justice Robert Jackson's team drove the process of the drafting of the indictments, the gathering of the evidence, and the conducting of that extraordinary trial. The trial was a landmark in the struggle to deter and punish crimes of war and genocide, setting the stage for the Geneva and Genocide Conventions.

The surrender of Slobodan Milosevic to the International Criminal Tribunal for Yugoslavia is a strong reminder that war crimes are not a thing of the distant past. At Nuremberg Justice Jackson said: It is common to think of our own time as standing at the apex of civilization. The reality is that in the long perspective of history, the present century will not hold an admirable position, unless its second half is to redeem its first.

My father, Thomas Dodd, served as executive trial counsel at the trials at Nuremberg, among his proudest accomplishments as a human being. But it was also part of the common theme that rang through a lifetime of public service. He believed that America had a special role to make the rule of law relevant in every corner of the globe. I believe my father was correct, that Justice Jackson was correct, and those who came after that generation, the reason they fought so hard at the trials and subsequently was that they believed that had there been a forum, a place for the rule of law where natural law could reside, we might very well have avoided the Holocaust and other such events that gripped the midpart of the 20th century.

I believe my father would have endorsed President Clinton's decision to sign the Rome statute last December on behalf of the United States. President Clinton did so, knowing full well much of the work remained to be done before the United States would ever become a party to the U.N. convention establishing an international criminal court.

The Bush administration is currently reviewing its options with respect to the Rome statute and with respect to the ongoing preparatory work that will make the Court operational only once 60 parties have ratified it. If the Craig amendment is adopted, it will foreclose the Bush administration from opting to stay engaged as a participant in the work of the Preparatory Commission in order to protect U.S. interests and interact with friends and allies on these matters.

Let there be no doubt; at some date in the future an international criminal court will come into existence; 36 states have already ratified the treaty, including all members of the European Community. For the United States to be totally on the sidelines as the last details of procedures are hashed out is clearly contrary to our national self-interests. There may also be times when, on a case-by-case basis, the United States may want to assist in the prosecution of foreign war criminals, particularly those cases where the crimes are against American citizens.

We just debated, ironically, a proposal dealing with the war crimes of World War II. I think but for the treaty of San Francisco, it would have been adopted 100 to 0. As related in the persuasive arguments of DAN INOUYE and others, we believe treaties are important and should not be violated. How ironic that we find ourselves in this particular matter, depriving ourselves of the opportunity to be able to fight hard where war crimes are committed, and, in fact, U.S. citizens may be the victims because we will not allow the option to be involved in the Preparatory Commission of such a court.

Elie Wiesel has warned that legislation of this kind would erase America's Nuremberg legacy by ensuring that the United States will never again join the community of nations to hold accountable those who commit war crimes and genocide. A vote to shut the door forever on the International Criminal Court and bar the United States from being engaged, ironically, may be read by some as a signal that the United States accepts immunity from the world's worst atrocities. What a terrible possibility.

It is a sad day, as we embark on the 21st century, that the U.S. Senate, the great bastion of debate on international matters of such importance and weight, might vote to deprive us of even being involved in the Preparatory Commission considering an international court of criminal justice where human rights and genocide matters can be debated, where those who commit those crimes can be brought to the bar of justice.

I urge my colleagues to think more carefully about this vote. I accept there are problems with the Rome treaty as currently written. I would not support it. If the Rome treaty came to this Chamber as written, I would vote against it. But that is not the case. There is work to be done. We ought to be engaged in that work. That is why I introduced legislation before the August recess to protect U.S. interests until we can successfully work out our differences on this issue.

I hope the Foreign Relations Committee will hold hearings on this legislation as soon as possible.

This bill, the American Citizens Protection and War Criminal Prosecution Act of 2001—the American Citizens Protection Act, would both protect America's Nuremberg legacy while at the same time safeguarding the rights of American citizens who might be brought before foreign tribunals even if we are not a party to them. This bill calls for active U.S. diplomatic efforts to ensure that the ICC functions properly mandates the assertion of U.S. jurisdiction over American citizens and bars the surrender of U.S. citizens to the ICC once the U.S. has acted.

The Bush administration is currently studying this and other approaches to issues related to the ICC. We should permit that review to continue and give the President the flexibility to decide how best to serve U.S. interests in this important area.

The world is a global village in this new millennium. The U.S. must strike the right balance between protecting our citizens and our men and women in the armed forces who may be traveling or deployed abroad, and preserving United States leadership and advocacy of universal adherence to principles of international justice and the rule of law.

For those reasons, I urge my colleagues to reject the Craig amendment and let existing law stand with respect to limitations on funding in support of the ICC at this time.

This is no time for us to be walking away from a responsibility which we have shouldered proudly for the past half century.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I rise to speak on the Craig amendment.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ALLEN. Mr. President, I rise in support of the amendment of our colleague, Senator CRAIG of Idaho, of which I am a cosponsor. I listened very

carefully to the eloquent words of the Senator from Connecticut, Mr. DODD, and his arguments in opposition to this amendment. In my view, the proposed International Criminal Court is a threat to the sovereignty of the United States and our individual God-given rights that are protected in the Constitution of the United States and in the constitutions and laws of several states. President Clinton, in my view, made a serious mistake when he signed the Rome treaty in the waning days of his administration. That treaty, which would establish a permanent international criminal court, creates a number of undesirable, unprecedented challenges for the people of the United States. The ICC will have the power to investigate and prosecute a series of international criminal offenses such as crimes against humanity, heretofore enforceable only in national courts or tribunals of limited application which have broad international support, such as the Nuremberg trials, which Senator DODD brought up.

Obviously, everyone here thinks the Nazis should be prosecuted.

We do support, obviously, the tribunal that is trying Milosevic right at this moment. The International Court in The Hague is the proper approach, which does not impinge upon our sovereignty.

Senator DODD, in arguing against this amendment, did mention he would oppose the Rome treaty as written if we were going to be voting on it at this moment. But if the Senate were to ratify this ill-advised treaty, this International Criminal Court would have the authority to try to punish Americans for alleged offenses abroad or in the United States, and that Court will be entirely unaccountable for its actions.

This International Criminal Court, in fact, would be in a position to punish individual American officials for the foreign policy and military actions of the United States and would not offer even minimum guarantees afforded in the Bill of Rights to any defendants before it.

At the heart of the ICC is an independent prosecutor accountable to no one. The international prosecutor is empowered to enforce justice as that prosecutor sees fit. If the international prosecutor believes that a local trial in our U.S. courts has been inadequate, he or she is authorized to indict an alleged human rights abuser and demand a new international trial. The international prosecutor may think a local pardon or an amnesty or a finding of not guilty was improper. That international prosecutor can ignore that finding.

What this authority symbolizes is the theory that all nations, including constitutional democracies, should surrender their sovereignty to the altar of international control.

Control of our own courts is one of our most cherished internal decisions about justice and order in our civilization. The United States was founded on the basic principle that the people of the States and our country have the right to govern themselves and chart their own course. The elected officials in the United States, as well as our military and citizenry at large, are ultimately responsible to the legal and political institutions established by our Federal and State constitutions, which reflect the values and the sovereignty of the American people.

The Rome treaty would erect an institution in the form of the ICC that would claim authority superior to that of the Federal Government and the States and superior to the American voters themselves. This Court would assert the ultimate authority to determine whether the elected officials of the United States as well as any other American citizen have acted unlawfully on any particular occasion.

In this, the Rome treaty is fundamentally inconsistent with the first tenet of our American Republic, that anyone who exercises power must be responsible for its use to those subject to that power. In our country, the Government derives its just powers from the consent of the people. That is foundational and fundamental.

The values of the ICC's prosecutor and judges are unlikely to be the same values of those of the United States. The Rome treaty has been embraced by many nations with legal and political traditions dramatically different from those of our own. This includes such states as Cambodia, Iran, Haiti, Nigeria, Sudan, Syria, and Yemen, all of which have been implicated in torture or extrajudicial killings or both.

Even our closest allies, including European states following the civil law system, begin with a very different assumption about the powers of courts and the rights of the accused. Nevertheless, if it is permitted to be established, the ICC will claim the power to try individual Americans, including U.S. service personnel and officials acting fully in accordance with U.S. law and our interests. The Court itself would be the final arbiter of its own power, and there would be no appeal from its decisions.

In 1791, Thomas Jefferson, our country's first Secretary of State, said:

> No court can have jurisdiction over a sovereign nation.

Last year this Congress prohibited the use of taxpayers' money to support the International Criminal Court. I say, let's put another lock on that door by adopting this amendment, the Craig amendment, and let's put a lock on the door to the Preparatory Commission as well.

In closing, I quote again from Mr. Jefferson. Thomas Jefferson said:

> It is the right of every nation to prohibit acts of sovereignty from being exercised by any other within its limits.

I urge my colleagues to join me in exercising this right and supporting this amendment to protect the sovereignty of the American people.

I yield the floor.

Mr. LEAHY. Mr. President, I rise today to voice my strong opposition to the Craig amendment to the International Criminal Court (ICC). While I have great respect for the Senator from Idaho, I believe it is unnecessary, damaging to the cause of international justice, and would further erode our standing with our European allies.

Even the Bush administration, which has no intention of sending the Rome treaty to the Senate for its advice and consent, opposes the Craig amendment.

Since the Rome treaty was approved over two years ago, it has been signed by more than 120 nations including all of the European Union members, all of our NATO allies except Turkey, as well as Israel, and Russia.

Joining our friends and allies, President Clinton signed the Rome treaty late last year, a decision which I wholeheartedly supported, as the ICC represents a significant step forward in bringing to justice those responsible for committing the most heinous crimes.

Throughout the negotiations on the ICC, the United States got almost everything it wanted and was able to obtain important safeguards to prevent American soldiers from being subjected to politically-motivated actions by the Court.

There is room for improving the treaty, and that is precisely why I oppose the Craig amendment. The Craig amendment would prevent our diplomats from being at the table during the ongoing Preparatory Commissions on the ICC.

While this may make some feel good, the practical effect would be self-defeating. It would put us in a far worse position to advance U.S. interests within the ICC and obtain additional protections, ensure that the safeguards we already obtained operate effectively, and make sure that the Court serves its intended purpose of prosecuting crimes against humanity.

I do support the International Criminal Court. But, again, this vote is not about whether you support it or not. We already have a prohibition against the expenditure of U.S. funds for the ''use by or support of'' the ICC, unless the U.S. ratifies the treaty, which it is not going to do any time soon.

The issue is whether we will participate in discussions on the procedures of the court, or whether we are going to tie the hands of the administration by preventing the United States from even sitting at the table.

And, both the Clinton and Bush administrations have stated that they would not submit the Treaty to the Senate for consideration.

While some may want to ''block'' the treaty, this is very unlikely to be possible. The EU is already engaged in a campaign to obtain the ratifications that are needed to reach the required number of 60.

Blocking the International Criminal Court from coming into existence is likely to require a head-to-head confrontation with our European allies

and over 80 countries outside of Europe that have signed the Treaty but not yet ratified.

Because the reality is that the Court will come into existence and have jurisdiction over non-parties, our best strategy is to remain engaged with the ICC to shape a Court that best represents our interests and values.

Irrespective of one's views on the ICC, it makes no sense to bury our heads in the sand and hope for the best. That is precisely what the Craig amendment will do and one of the major reasons why I strongly oppose it.

The other reason that I oppose the Craig amendment is the long-term harm that it could have on U.S. efforts to prosecute war criminals. Year after year, Senator MCCONNELL and myself, alternating as chairman and ranking member of the Foreign Operations Subcommittee, have struggled to find enough money to help support the efforts of the international tribunals for the former Yugoslavia, Rwanda, and Sierra Leone.

Moreover, we may now be asked to contribute millions of dollars to support a tribunal to prosecute crimes of genocide by the Khmer Rouge in Cambodia, if the tribunal there meets international standards of justice.

The negotiations on these tribunals often takes years and involves endless wrangling over costs, over the laws and rules that will be applied to the proceedings, and over whether to even establish an ad hoc tribunal in the first place.

One of the primary goals of the ICC is to have a permanent forum to prosecute these heinous crimes wherever they may occur, and our allies have embraced the ICC for precisely this reason.

Once the ICC comes into existence, and our allies and the Security Council will no longer support establishing new ad hoc tribunals—which at that point could be unnecessary and duplicative—what will the United States do?

No longer help with the prosecution of war criminals, because we do not support the ICC? That would be ridiculous for a country whose Bill of Rights is a beacon of hope for victims of human rights abuses around the world.

Clearly, we all want to protect U.S. interests within the ICC. This amendment does not do that. In fact, it makes things worse by not even allowing our negotiators to be in the room while important issues are being discussed and could ultimately hinder our efforts to prosecute war criminals.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. I checked with several Senators interested in this amendment as well as its proponent, Senator CRAIG. If there is no other question, we need to move these amendments along as best we can.

I think we are ready for a voice vote.

I urge the question on the Craig amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment in the second degree.

The amendment (No. 1537) was agreed to.

Mr. GREGG. Mr. President, I urge the question on the underlying amendment, as amended.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment, as amended.

Mr. GREGG. Mr. President, I ask unanimous consent that the yeas and nays be vitiated on the amendment in the first degree.

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

Without objection, the amendment is agreed to.

The amendment (No. 1536), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HOLLINGS. I thank the distinguished Chair, and thank my colleagues from New Hampshire and Virginia.

Mr. CONRAD. Mr. President, I rise to offer for the RECORD the budget Committee's official scoring for S. 1215, the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act for Fiscal Year 2002.

The Senate bill provides $38.627 billion in discretionary budget authority, which will result in new outlays in 2002 of $26.026 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $38.747 billion in 2002. The Senate bill is within its Section 302(b) allocation for budget authority and outlays. Once again, the committee has met its target without the use of any emergency designations.

I again commend Chairman BYRD and Senator STEVENS, as well as Senators HOLLINGS and GREGG, for their bipartisan effort in moving this and other appropriations bills quickly to make up for the late start in this year's appropriations process.

I ask unanimous consent that a table displaying the budget committees scoring of this bill be printed in the RECORD.

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

S. 1215, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION, 2002

[Spending comparisons—Senate-Reported Bill (in millions of dollars)]

	General purpose	Defense	Conservation	Mandatory	Total
Senate-reported bill:					
Budget Authority	37,772	604	251	572	39,199
Outlays	37,885	660	202	581	39,328
Senate 302(b) allocation:*					
House-passed:					
Budget Authority	37,534	567	440	572	39,113
Outlays	37,913	632	360	581	39,486
President's request:					
Budget Authority	37,178	465	284	572	38,499
Outlays	38,016	538	259	581	39,394
SENATE-REPORTED BILL COMPARED TO:					
Senate 302(b) allocation:*					
Budget Authority	0	0	(133)	0	(133)
Outlays	0	0	0	0	0
House-passed:					
Budget Authority	238	37	(189)	0	86
Outlays	(28)	28	(158)	0	(158)
President's request:					
Budget Authority	594	139	(33)	0	700
Outlays	(131)	122	(57)	0	(66)

Notes: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions. For enforcement purposes, the budget committee compares the Senate-reported bill to the Senate 302(b) allocation.

*The 2002 budget resolution includes a ''firewall'' in the Senate between defense and nondefense spending that will become effective once a bill is enacted increasing the discretionary spending limit for 2002. Because the firewall is for budget authority only, the appropriations committee did not provide a separate allocation for defense outlays. This table combines defense and nondefense outlays together as ''general purpose'' for purpose of comparing the Senate-reported outlays with the subcommittee's allocation.

MOUNTAIN VIEW HOUSE

Mr. GREGG. Mr. President, I would like to briefly mention to Senator HOLLINGS an EDA project that is of significant importance to employment in a section of New Hampshire that has traditionally experienced high levels of unemployment. The project is the Mountain View House. This project was inadvertently left out of the Senate Report, but it would be my hope that the Economic Development Administration would consider an application for the Mountain View House within applicable procedures and guidelines

and provide a grant if warranted. Will you join with me in urging the EDA to consider this vital initiative in New Hampshire?

Mr. HOLLINGS. I would certainly join with the Senator from New Hampshire in recognizing and supporting the Mountain View House project. I will work with my colleague during conference to include this project in the committee report.

INS INSPECTORS AT PORT OF DETROIT

Mr. LEVIN. Mr. President, I would like to thank the chairman for addressing in this bill the severe INS staffing shortages at certain land border ports of entry. I would also like to thank him for recognizing and addressing the severe shortage of INS inspectors at Detroit's port of entry on the U.S.-Canadian border, which includes the Ambassador Bridge and the Detroit-Windsor Tunnel. I am pleased this bill provides $25,408,000 for 348 additional land border inspectors and specifically indentifies the Detroit bridge and tunnel port of entry as being understaffed by a whopping 151 people. I appreciate the efforts of this Committee to address the significant INS staffing shortages on the Detroit-Canadian border and that a portion of the increase in INS inspectors funded by this bill will be allocated to address the Detroit shortfall.

I wish to seek clarification from the chairman of the Commerce-Justice-State Appropriations Subcommittee as to whether a significant portion of the funding provided for additional INS inspectors by this bill will be allocated to address the Detroit shortfall. The Ambassador Bridge is the most heavily traveled bridge and the most heavily traveled tunnel on the U.S.-Canadian border. Total traffic at the bridge has nearly doubled over the past 14 years. According to data compiled by the Bridge and Tunnel Operator's Association, in 1999 more than 12,000,000 auto and commercial vehicles crossed the Ambassador Bridge and more than 9,500,000 auto and commercial vehicles passed through the Detroit-Windsor Tunnel.

Ms. STABENOW. Mr. President, I too would like to express my thanks to the distinguished chairman for increasing INS staffing levels to address the past under funding of land border inspectors, and to also seek clarification concerning the Detroit Port of Entry. The committee notes that the Detroit Port of Entry, which includes the Ambassador Bridge and the Detroit-Windsor Tunnel, requires a total of 175 personnel yet is currently staffed at only 23 inspectors. That leaves the port understaffed by 151 inspectors, the third worst staffing level at a U.S. port of entry as a percentage of total workload. This is a serious concern, particularly because the Detroit Port is the nation's busiest northern border crossing, and has resulted in unnecessary traffic congestion and delays. I appreciate the committee having recognizing the Port of Detroit as one of the nation's ports of entry most in need of these additional inspectors and look forward to more efficient INS inspections at the Detroit-Canada border once these additional inspectors are in place. Is it the intent of the chairman, that a significant number of these additional INS inspectors would go to the Detroit Port of Entry?

Mr. HOLLINGS. Mr. President, the Senators from Michigan are correct. This committee recognizes the problems faced at the Port of Detroit and its shortfall of 151 INS land border inspectors, and it is the committee's intent that a significant number of these additional INS inspectors funded in our bill will help fill that shortfall.

CLEARMADD, UNIVERSITY OF GEORGIA

Mr. CLELAND. Mr. President, I have previously brought to your attention the important capabilities of the Center for Leadership in Education and Applied Research in Mass Destruction Defense (CLEARMADD). This Center, to be supported by a consortium of institutions including the University of Georgia, the Medical College of Georgia, and the Savannah River Ecology Laboratory in South Carolina, has available substantial expertise regarding the threat posed domestically from weapons of mass destruction (WMD). In recent years, concerns have increased about the potential for terrorists or foreign states to use biological, nuclear or chemical weapons to inflict mass casualties in the United States. As a nation, we are only just beginning to develop an adequate response capability for such an attack. The consequences of the use of WMD in the United States would be catastrophic, particularly in terms of the ability of our health care system to respond. While other programs have focused on research and training to assist first responders in the event of a WMD, very little has been done to develop proper curriculum and training, including advanced degrees, for medical responders including doctors, nurses, emergency room personnel, pharmacists, toxicologists, and veterinarians. The experts assembled with CLEARMADD have significant capability to provide such curriculum development and training for these so-called second responders.

I understand that a total of $364 million is included in the Senate version of the Fiscal Year 2002 Commerce-Justice-State appropriations bill for the Office of State and Local Domestic Preparedness Support (OSLDPS) of the Department of Justice to assist with training in the U.S. to respond to potential terrorist attacks. This is an increase of more than $100 million over funding for Fiscal Year 2001. It is my view that the programs and expertise of CLEARMADD fit well within the OSLDPS mission and I believe funds should be found within the Fiscal Year 2002 budget of OSLDPS to take advantage of CLEARMADD's expertise to help develop model curricula and training programs to assist local health care professionals.

Mr. HOLLINGS. I appreciate the gentleman from Georgia, Mr. CLELAND, bringing CLEARMADD to my attention. There is a significant need for training of health professionals in the event of a chemical or biological attack. From what I have learned, CLEARMADD has significant capabilities in this regard, and is clearly a program that could provide significant assistance in helping achieve the mission of the OLSDPS. I will continue to work with Senator CLELAND to see that the Department of Justice takes advantage of the expertise within the CLEARMADD consortium and finds ways to include CLEARMADD within the overall programs of the DOJ anti-terrorism program.

Mr. CLELAND. I thank the Senator for his support and attention to this matter and I look forward to working with you in the future on this issue of mutual interest.

HARTSFIELD ATLANTA INTERNATIONAL AIRPORT INS OFFICERS

Mr. CLELAND. Mr. President, we have discussed on previous occasions the compelling need for additional Immigration and Naturalization Service (INS) officers assigned to Hartsfield Atlanta International Airport. The present staffing of 78 positions to handle 2.8 million arriving international passengers per year at Hartsfield is consistently generating extremely long lines, and is damaging the reputation of Hartsfield as an international gateway. The desired INS 45-minute processing time limit is being exceeded frequently with lines overflowing the inspection hall into the adjoining concourse. The 95 passengers per inspector during peak periods do not match the annual growth rate of 16 percent. As a result of the 1996 Olympics Games, Hartsfield has more than an adequate number of processing booths. Yet, today, at least 75 percent of those booths go unused on any given day. Hartsfield now has more arriving international passengers from Latin America and Africa, who require longer processing times, than from Europe. Overall, the airport has experienced a 108 percent increase in international flight arrivals from 1994 to 2000.

Mr. HOLLINGS. I appreciate the fact that the Senator from Georgia brought this matter to my attention. In fact, the fiscal year 2002 Commerce/Justice/State Appropriations bill includes 348 additional inspectors for the Nation's newest and busiest airports. These inspectors will help alleviate the long lines at several airports, including airports in the Southeast which have experienced tremendous growth over the last few years. The airports in my own home state of South Carolina illustrate this need as airlines and increasing numbers of passengers require more flights with fewer delays.

Mr. CLELAND. I applaud the chairman's decision to boost the number of INS inspectors for this next fiscal year. I would like to bring to the Senator's attention that of the 150 new INS inspectors placed at various points of

entry last year, Hartsfield received no new positions. There are other notable disparities. For example, Atlanta conducts 70 percent more inspections than Boston, but has only 30 percent more inspectors. The number of passengers processed annually per inspector in Atlanta is 35,782. In comparison, Miami has a higher ratio of inspectors per passenger than Atlanta, and, as a consequence, the average inspector in Miami processes 10,000 fewer passengers each year. Honolulu inspects less passengers than does Atlanta, but has twice as many inspectors. And because Hartsfield generates between $18 million and $19 million in user fees each year with less than $8 million spent at Hartsfield there is concern that the Atlanta Airport is subsidizing inspections at other airports in the Nation.

In addition, the airlines serving Hartsfield are planning major expansions in their international service. Furthermore, recent census data reflects tremendous population growth in metro Atlanta over the past 10 years. This dynamic population increase, second only to that of New York, will cause ever greater demand for international travel. Given the time it takes to hire and train new inspectors, it is critical that INS address the shortfall at Hartsfield now, or we will lose our ability to attract international passengers, and the economic development of the region will suffer.

Mr. HOLLINGS. As chairman of the Commerce Committee, I am very aware of the increase in the number of flight delays at the Nation's airports. We have held numerous hearings on the increase in domestic and foreign travel and it is clear that additional INS agents are needed at the Nation's busiest airports. United States airports have experienced significant growth over the last several years and additional INS agents are needed to address the increased demand not only at the Atlanta airport but throughout the Nation's airports, including in my home State of South Carolina. I will continue to work with Senator CLELAND to ensure that the nation's business airports, Hartsfield Atlanta International Airport, receive the additional INS agents that it needs.

Mr. CLELAND. Mr. President, I thank you for your support and attention to this matter and I look forward to working with you in the future on this issue of national importance.

VOTE EXPLANATION

Mr. EDWARDS. Mr. President, I was unavoidably detained and therefore was unable to cast my vote on the motion to table the Smith-Harkin amendment No. 1538 to H.R. 2500. Had I been present, I would have voted against the motion to table.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for a period not to extend beyond 10 minutes each.

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

THE CRIME VICTIMS ASSISTANCE ACT OF 2001

Mr. LEAHY. Mr. President, on March 26, 2001, my friend Senator KENNEDY and I introduced S. 783, the Crime Victims Assistance Act of 2001. This legislation represents the next step in our continuing efforts to afford dignity and recognition to victims of crime. Among other things, it would enhance the rights and protections afforded to victims of Federal crime, establish innovative new programs to help promote compliance with State victim's rights laws, and vastly improve the manner in which the Crime Victims Fund is managed and preserved.

Senator KENNEDY and I first introduced the Crime Victims Assistance Act in the 105th Congress, and we reintroduced it in the 106th Congress. Like many other deserving initiatives, however, this much-needed legislation took a back seat to the debate over a proposed victims' rights constitutional amendment. I have on several occasions noted my concern that we not dissipate the progress we could be making by focusing exclusively on efforts to amend the Constitution. Regretfully, I must note again that the pace of victims legislation has slowed noticeably and many opportunities for progress have been squandered.

This year, we have a golden opportunity to make significant progress toward providing the greater voice and rights that crime victims deserve. The Crime Victims Assistance Act of 2001 enjoys broad support from victims groups across the country, including the National Center for Victims of Crime, the National Organization for Victim Assistance, and the National Association of Crime Victim Compensation Boards. Regardless of their views on the proposed constitutional amendment, these organizations recognize that our legislation can make a difference in the lives of crime victims right now.

When I spoke about the Crime Victims Assistance Act earlier in the year, I expressed the hope that Democrats and Republicans, supporters and opponents of a constitutional amendment, would join me in advancing this bill through Congress. This should be a bipartisan effort, and in this closely divided Senate, it must be a bipartisan effort. I want to thank our eight Democratic cosponsors: Senators CORZINE, DASCHLE, FEINGOLD, HARKIN, JOHNSON, KERRY, MURRAY, and SCHUMER. And I want once again to urge my friends on the other side of the aisle to step up to the plate and support this important victims' legislation.

When it comes to recognizing the rights of victims of crime, there is no majority, no minority, and no middle ground. As Americans, we share the common desire to help victims and provide them the greater voice and rights that they deserve. The Crime Victims Assistance Act proposes some basic, common-sense reforms to our federal crime victims laws, and would help provide the resources necessary to assist the states in giving force to their own locally-tailored statutes and constitutional provisions. What a shame if this legislation stalls again this year, because we could not work together on an issue on which we share so much common ground.

EXPORT ADMINISTRATION ACT

Mr. SPECTER. Mr. President, I think it is important to state my reasons for voting against S. 149, the Export Administration Act. I do so because I think there is too much deference to commercial interests at the expense of limiting exports which may threaten national security.

I cast my vote late in the rollcall when there were 77 votes in favor of the bill, which eventually turned out to be an 85 to 14 vote, so that I knew the bill was going to pass by overwhelming numbers.

Legislation on this subject is of great importance and is long overdue. I was tempted to vote in favor of the bill on the proposition that the best frequently is the enemy of the good. Had my vote been decisive so that it might have been a matter of having a bill which vastly improved the current situation, which is the absence of legislation, then I might have voted differently. I think the number of negative votes are important as a protest signal that this subject should be monitored closely and perhaps reviewed sooner rather than later.

For example, my concerns about the elevation of commercial interests over potential national security risks are illustrated by the foreign availability and mass market status this Act provides controlled items. The foreign availability component of the act would make the U.S. Government unable to control the sale of items that are also manufactured by other countries. Such lack of control would allow U.S. firms to sell anthrax to Saddam Hussein because of anthrax's dual-use in vaccine production. Additionally, the mass-market status in this bill would enable export of controlled items without a license if the item were mass produced for different industrial uses. An example of this mass-market status would be glass and carbon fibers that can be used in the manufacture of both golf clubs and also ballistic missiles.

These are only illustrations of problems which, I believe, should yet be corrected in conference or in later legislation.

Mr. JOHNSON. I am very pleased that S. 149, the Export Administration Act of 2001, passed the U.S. Senate by such an overwhelming bipartisan vote of 85–14. This important law reforms our export controls of dual-use items to reflect the vast geopolitical, technological and commercial changes that have occurred since the old law was enacted back in 1979. While we must remain ever-vigilant to protect our nation from security threats, we must at the same time recognize that our security depends in large measure on a vibrant economy, and in particular on our ability to continue innovating in the high technology sector. Ensuring that American producers have the ability to participate in the global marketplace is critical to this effort.

The hard work that contributed to the overwhelming support for S. 149 cannot be overstated, and I was especially gratified by the spirit of cooperation that dominated the discussion. This bill, and the quality of its provisions, owe a great deal to the thoughtful participation of a variety of players on both sides of the aisle. In some cases, too many cooks spoil the broth. In this case, however, a variety of players made very thoughtful improvements to the bill. I extend my thanks and gratitude to the core group of sponsors, which included Senator MIKE ENZI, Republican of Wyoming, Chairman PAUL SARBANES from Maryland, Senator PHIL GRAMM from Texas, and also to so many others contributed to an improved final product.

In particular, I would be remiss in not mentioning the important and dedicated efforts of Senator MARK DAYTON, my Democratic colleague from Minnesota. Senator DAYTON and his staff worked tirelessly to ensure that S. 149 protects the interests of the agricultural community relative to export controls. While there are many legitimate reasons to restrict the export of certain items abroad, especially where the export of such items could pose a threat to America's national security, there is to my mind absolutely no acceptable logic for imposing restrictions on the export of food.

The export of food can never pose a national security threat to this Nation, and Senator DAYTON, along with his Republican colleague from Kansas Senator PAT ROBERTS, put together an amendment that eliminated the possibility that this government ever restrict the export of food for a purported national security threat. I look forward to continuing to work with Senator DAYTON on agricultural issues, and I know that the farm community is grateful to the Senator for his work in this area. I also wish to commend Senator DAYTON's staff, in particular Jack Danielson, Sarah Dahlin and Lani Kawamura.

Mr. KYL. Mr. President, a consensus emerged during the 1990s with regard to the national security of the United States. That consensus was and remains that the proliferation of weapons of mass destruction—nuclear, chemical and biological—and their means of delivery constitute the most important threat to our national security. There is also widespread acknowledgment that a number of rogue nations, and particularly China, represent the new national security challenge for the United States.

Yet, this body, the U.S. Senate, is about to pass with overwhelming support a major piece of legislation that stands in direct contradiction to the objectives of U.S. national security policy—to limit the spread of weapons of mass destruction and their means of delivery.

This is not hyperbole; it is a simple statement of fact. I acknowledge that the administration has endorsed S. 149. A campaign pledge has been kept. But the long-term ramifications of the vote we are about to take should not be underestimated. S. 149 received the strong opposition of the former chairmen, now ranking members, of each committee and subcommittee with responsibility for national security. It can in no way be considered to represent a prudent balance between commerce and national security. It is, in fact, heavily weighted in favor of the former, with scant regard for the latter.

The list of exports with which we have traditionally been concerned, the Commerce Control List, has 2,400 items on it. It is important to note that exports of these items are licensed, not prohibited. Contrary to the rhetoric of some, it also is not the shopping list of someone making a Sunday trip to Radio Shack. It is, rather, a compilation of esoteric items that have military applications, including for the construction of nuclear weapons and ballistic and cruise missiles. The amount of commerce at issue is minuscule relative both to the amount of U.S. exports and to the size of the gross domestic product. Restrictions or limitations on the export of items on the Commerce Control List do not now, nor have they ever had a deleterious effect on the U.S. economy, or on U.S. competitiveness. They do, however, represent the regulatory manifestation of our national security requirements and the role our moral values should play in the conduct of foreign and trade policies.

Some of us who oppose this bill support permanent normal trade relations with China. And, yet, we oppose this bill. We oppose it because it will, by design, open the door to the export without government oversight of the very items and technologies that contribute to the threats to our security that justifies a defense budget of over $300 billion per year. When we debate national missile defense over the months ahead, we should not hesitate to reflect on the connection between what we do here today, and what those of us who support missile defenses hope to do tomorrow.

NICS—KEEPING GUNS OUT OF CRIMINAL HANDS

Mr. LEVIN. Mr. President, the Brady law mandated the establishment of the National Instant Criminal Background Check System to allow federally licensed gun sellers to establish whether a prospective gun buyer is disqualified from purchasing a firearm. The NICS system is working. In its first 25 months of operation, more than 156,000 felons, fugitives and others not eligible to purchase a gun have attempted to do so and have been denied by an FBI NICS check. At the same time, NICS has not placed unreasonable constraints on law abiding citizens' ability to buy a gun. In fact, the Department of Justice reports that more than 7 out of 10 NICS background checks are completed immediately and 95 percent are completed within 2 hours.

But I'm concerned that recent action by Attorney General Ashcroft could limit the effectiveness of NICS and hamper law enforcement efforts to keep guns out of the hands of criminals. Regulations issued in January allowed the FBI to keep NICS data for 90 days following a check. The 90-day period is critical to law enforcement's ability to audit the NICS system for errors, search for patterns of illegal or false sales, such as purchasers using fake ID's, and screen for gun dealers who may abuse the system. But in June, the Attorney General announced plans to reduce the length of time that law enforcement agencies can retain NICS data to 24 hours. The 24-hour period is insufficient and would severely restrain law enforcement's ability to target illegal purchasers and corrupt gun sellers.

After reviewing Attorney General Ashcroft's action, I decided to cosponsor S. 1253, a bill introduced by Senators KENNEDY and SCHUMER to maintain the 90-day period for law enforcement to retain NICS data. The bill takes a common sense approach to keeping guns out of the hands of criminals without compromising the privacy rights of law-abiding citizens. It is a good bill and the right remedy to the Attorney General's regrettable action.

LOCAL LAW ENFORCEMENT ACT OF 2001

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

I would like to describe a terrible crime that occurred July 25, 1994 in Dana Point, CA. A man allegedly beat two gay men and threatened to kill them after yelling anti-gay slurs. Bradley Jason Brown, 22, was charged with assault with a deadly weapon and committing a hate crime.

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.

RECENT ELECTIONS IN EAST TIMOR

Mr. FEINGOLD. Mr. President, I rise today to congratulate the people of East Timor on the success of their recent Constituent Assembly elections.

On August 30, 2001, the people of East Timor voted to elect a new Constituent Assembly. That Assembly will begin meeting almost immediately to adopt a new constitution and to establish the framework for future elections and a transition to full independence next year. The vote was conducted on the second anniversary of the violent 1999 independence referendum. In that earlier referendum, nearly 98 percent of eligible voters risked their lives to vote for independence from Indonesia. Last week, the people of East Timor demonstrated their continuing commitment to democracy by turning out again in force to elect the women and men who will lead them now to full democracy and independence. Final voter turnout in this recent election was reported at more than 91 percent, in a territory-wide poll that was both peaceful and orderly.

After 25 years of occupation by Indonesia, and a much longer period of colonization by Portugal, many ordinary men and women walked for hours and lined up before dawn to vote for the first time for their own political leaders. Clearly, many difficult decisions and fractious debates now lie ahead for the 24 women and 64 men who have been entrusted by their election to the Constituent Assembly to establish a sound legal framework for independent governance. It is my fervent hope that the same spirit of civic participation and tolerance that guided this most recent election will continue to guide the elected representatives of the Constituent Assembly as they establish a new democratic system to promote the cause of peace, independence, and prosperity in East Timor.

The United Nations must also be credited for organizing a successful election and establishing a firm foundation for future independent governance. As U.N. Secretary-General Kofi Annan has noted, it is in many respects the conviction with which the people of East Timor have embraced democracy that continues to strengthen the commitment of the world community to their cause. I commend the United Nations Administration in East Timor, UNTEAT, for their dedication in implementing this important mission and for their success in organizing this recent election.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, September 7, 2001, the Federal debt stood at $5,772,587,811,775.31, five trillion, seven hundred seventy-two billion, five hundred eighty-seven million, eight hundred eleven thousand, seven hundred seventy-five dollars and thirty-one cents.

One year ago, September 7, 2000, the Federal debt stood at $5,680,707,239,455.93, five trillion, six hundred eighty billion, seven hundred seven million, two hundred thirty-nine thousand, four hundred fifty-five dollars and ninety-three cents.

Twenty-five years ago, September 7, 1976, the Federal debt stood at $625,934,000,000, six hundred twenty-five billion, nine hundred thirty-four million, which reflects a debt increase of more than $5 trillion, $5,146,653,811,775.31, five trillion, one hundred forty-six billion, six hundred fifty-three million, eight hundred eleven thousand, seven hundred seventy-five dollars and thirty-one cents during the past 25 years.

ADDITIONAL STATEMENTS

U.S. NAVAL SEA CADET CORPS BIRTHDAY

● Mrs. HUTCHISON. Mr. President, the Congress of the United States recognizes with extreme pleasure the U.S. Naval Sea Cadet Corps on its thirty-ninth anniversary of their Congressional Charter of September 10, 1962.

A non-profit training and education organization for young men and women, the U.S. Naval Sea Cadet Corps has consistently provided, in conjunction with the Navy and Coast Guard, an outstanding opportunity for our country's youth to sample military life and experience the challenges and rewards of the maritime services. Over 8600 Cadets ages 11 to 17, led by 2,000 adult volunteers, across the United States and overseas participate with active forces in a wide variety of maritime training activities.

The Sea Cadet program is applauded in developing not only interest and skill in seamanship and aviation, but also instilling in America's young people a sense of patriotism, personal courage, self-reliance and those qualities which mold strong moral character and self-discipline, all in an anti-drug, anti-gang environment. Many of our former and current military leaders established their roots and love the Naval services as a Sea Cadet.

On behalf of my colleagues in the United States Senate and the United States House of Representatives, I offer our heartfelt appreciation and respect to all the members of ''our'' U.S. Naval Sea Cadet Corps.

To Volunteers and Cadets: ''Bravo Zulu''—Well Done!●

IN RECOGNITION OF HAIFA FAKHOURI

● Mr. LEVIN. Mr. President, I rise today to ask my Senate colleagues to join with me in honoring dedicated activist and respected community leader Dr. Haifa Fakhouri. Dr. Fakhouri will be named a Lady of Charity by the Pontifical Institute for Foreign Missions (PIME Missionaries) at the 43rd Knights of Charity Award Dinner in Dearborn, Michigan on October 11, 2001.

The Knights of Charity Award is presented each year to men and women who clearly exemplify ''Unity in Family Life with Person-to-Person Charity.'' This award is given to those whose words and actions promote the ideals of charity, friendship, love and interfaith and intercultural collaboration.

Dr. Fakhouri clearly exemplifies these ideals. Since coming to America from Jordan in 1968, she has become one of the most respected leaders of the Arab-American community. Her most well known and far reaching achievement was helping to found, and serve as President and CEO of the Arab-American and Chaldean Council (ACC), the largest community based human services agency in the nation, serving the Arabic and Chaldean speaking population of southeast Michigan. Founded in Detroit in 1979, the ACC has quickly grown to offer 36 outreach centers and over 50 specialized programs to the Arab/Chaldean community in Detroit and the surrounding area.

Under Dr. Fakhouri's leadership, the ACC has adopted goals and ideals that closely match those of the Knights of Charity Award. The ACC is dedicated to building community cooperation and coordination, increasing cross cultural understanding and raising the level of the community's general well-being. Because Dr. Fakhouri has been so successful in guiding the ACC towards achieving these goals, she has received recognition from numerous state and national organizations. For example, she has served as Special Advisor to the United Nations on the role and status of women and population policies in the Middle East Region, and she has received the 1999 Governor's Community Leadership Award, the 1999 Michigander of the Year Award and many others.

Dr. Fakhouri's leadership, vision and compassion have made her one of the nation's greatest community activists. Her dedication to serving others have made her an invaluable part of the southeast Michigan community. I know that my Senate colleagues will join me in congratulating her on being named a Lady of Charity.●

25TH ANNIVERSARY OF THE HISTORY MUSEUM FOR SPRINGFIELD-GREENE COUNTRY

● Mr. BOND. Mr. President, this month the History Museum for Springfield-Greene County will celebrate its 25th

anniversary. It is an honor and a privilege to rise today on the floor of the United States Senate to recognize this institution's longevity and its role in preserving the history of Springfield and Greene County.

Some twenty-five years ago I was able to play a role in the founding of this museum while I was serving as Governor of Missouri. The Museum was then called the Bicentennial Historical Museum in honor of our Nation's 200th birthday. Over the years, the name has changed but the goal and purpose of the museum has remained the same, preserving the history and heritage of the city of Springfield and Greene County. History is our window to the past and helps us to remember just how far we have come as a nation and as a community. The museum contains permanent exhibits beginning with the earliest settlement in the region, continuing on through the Civil War, and into the twentieth century. The museum also changes exhibits throughout the year which examine other areas of Greene County's history.

The museum is a private, not-for-profit organization that is open to public at no charge. The museum is funded through private contributions, memberships, grants, and gift shop sales. The staff, management, and volunteers who operate this facility are to be congratulated for their tireless efforts and innovation which make the museum an important part of the community. The museum is an invaluable tool for students and teachers to learn the historical significance of the area.

The History Museum for Springfield-Greene County is a valuable asset to the Springfield area. I ask that the Members of the Senate join me in recognizing and honoring the twenty-fifth anniversary of the History Museum for Springfield-Greene County.●

NATIONAL ASSISTED LIVING WEEK

● Mr. WYDEN. Mr. President, today I draw the Senate's attention to National Assisted Living Week. The National Center for Assisted Living is sponsoring National Assisted Living Week this week to highlight the significance of this service and the hope that it can provide seniors.

Assisted living is a long term care alternative for seniors who need more assistance than is available in retirement communities, but do not require the heavy medical and nursing care provided by nursing facilities. Approximately one million of our Nation's seniors have chosen the option of assisted living in this country. This demonstrates a tremendous desire by seniors and their families to have the kind of assistance that they need in bathing, taking medications or other activities of daily living in a setting that truly becomes their home.

This year's theme of National Assisted Living Week is ''Sharing the Wisdom of Generations,'' and it is intended to recognize the value of sharing insights and experiences between assisted living residents, their families, volunteers and assisted living staff. I think that it is appropriate because it highlights the variety of options assisted living can provide to meet different needs of patients.

Oregon has led our Nation in the concept of assisted living. My State spends more State health dollars to provide assisted living services than any other in our Nation. Assisted living has taken different directions in different States, and I believe offering these choices for consumers is important to provide security, dignity and independence for seniors.

Assisted living will become even more important for seniors and their families as our nation experiences the demographic tsunami of aging baby boomers. It is important for us to continue to support options that allow seniors and their families a choice of settings in order to assure that they get the level of care that they need.●

CONGRATULATING LT. STEVE YOUNG

● Mr. VOINOVICH. Mr. President, I am honored to stand before you today and congratulate Lieutenant Steve Young, his family and friends on his well-deserved nomination as President of the National Fraternal Order of Police, FOP. As you may know, the 86 year-old Fraternal Order of Police is the world's largest organization of sworn law enforcement officers, improving the working conditions and advocating the safety of its 298,000 members in over 2,000 local lodges throughout the United States.

I am confident that with his 25 years of membership in the FOP and his current position as a Lieutenant in the Marion Police Department in my State of Ohio, Lt. Young is an outstanding choice to lead the National Fraternal Order of Police. Prior to being named National President, Lt. Young has proudly and effectively served as both National Vice President and Ohio's State President.

Further, he has become something of an expert in helping to ensure police officers' pension plans throughout the country. He also helped to create the Ohio Labor Council to improve the effectiveness of negotiations between management and labor in police forces, a model that has since been utilized in 14 other States.

I know that Lt. Young will use his new position to further ensure fair and equal treatment to our nation's true heroes, police officers, on the job and to expand the FOP's involvement throughout the Nation. I wish Lt. Young the best of luck and extend my congratulations to him once again here before Congress. I know he will do an excellent job.●

THE HEART FAILURE SOCIETY OF AMERICA

● Mr. WELLSTONE. Mr. President, the Heart Failure Society of America (HFSA) is a non-profit professional organization headquartered in St. Paul, MN, that represents the first organized effort by heart failure experts from the Americas to provide a forum for all those interested in heart failure research and patient care.

Today, the Heart Failure Society of America is convening here in our Nation's capital with over 2,000 cardiologists, cardiac surgeons, internists, family practitioners, research scientists, pharmacologists, nurses, pharmacists and other allied health care professionals who treat heart failure patients for the HFSA 5th Annual Scientific Meeting. At this forum, preeminent professionals will unveil and review the latest developments in heart failure research and clinical practice.

Heart failure is a progressive condition in which the heart muscle weakens and gradually loses its ability to pump enough blood to supply the body's needs and is frighteningly common but underrecognized. Heart failure affects nearly 5 million Americans. As more people survive heart attacks and are being left with weakened hearts, heart failure is the only major cardiovascular disorder on the rise. An estimated 400,000 to 700,000 new cases of heart failure are diagnosed each year. The number of deaths in the United States from this condition has more than doubled since 1979, averaging 250,000 annually. In comparison, the death rate from coronary heart disease has dramatically dropped statistically over a similar time period. An estimated $8 to $15 billion is spent each year on the costs of hospitalization due to heart failure, which is twice the amount spent for all forms of cancer. While there is currently no known cure for heart failure, new treatment approaches may help patients live more normal and fulfilling lives and benefit from a decreased risk of hospitalization.

The HFSA was founded in 1994 by a small, dedicated group of academic cardiologists who recognized that heart failure was on the rise, but that there was no venue for researchers, trainees and clinicians to share ideas about combating the disease. We owe them a debt of gratitude for providing the impetus for exploring further research and treatment which might not otherwise have occurred. The Heart Failure Society of America is seen by government, industry and the medical community as the authoritative organization on heart failure. The Senate first commended the HFSA and its work in the area of heart failure in February of last year, designating the week surrounding Valentine's Day each year as ''National Heart Failure Awareness Week.'' these medical professionals are dedicated to enhancing the quality and duration of people's lives.

We are pleased to welcome this group of distinguished individuals to Washington and recognize their extraordinary public service.●

IN RECOGNITION OF THE HONORABLE DENNIS W. ARCHER

● Mr. LEVIN. Mr. President, I rise today to acknowledge the achievements of an accomplished jurist, distinguished public servant and committed civic leader from my home state of Michigan, the Honorable Dennis Wayne Archer, Mayor of Detroit. On October 11, 2001, Mayor Archer will be inducted as a Knight of Charity by the Pontifical Institute for Foreign Missions (PIME Missionaries) at the 43rd Knights of Charity Award Dinner in Dearborn, Michigan. This award is a fitting tribute for a man who has dedicated his life to the service of others.

The Knights of Charity Award is presented each year to men and women who clearly exemplify ''Unity in Family Life with Person-to-Person Charity.'' This award is given to those whose words and actions promote the ideals of charity, friendship, love and interfaith and intercultural collaboration.

Mayor Archer spent the first five years of his career teaching learning disabled students in the Detroit Public School system. During this time, Mr. Archer was also a student, studying and attending classes after work to earn his law degree. Mr. Archer quickly established himself as one of the finest legal minds in Michigan and in 1985 he was appointed Associate Justice of the Michigan Supreme Court by Governor James Blanchard. The next year he was elected to an eight-year term, which he served with distinction.

Elected Mayor of Detroit in 1993, Dennis Archer soon became known nationwide for the innovative approach he brought to city government. Nearing the end of his second for year term, Detroit under the leadership of Mayor Archer has successfully reduced crime, balanced budgets, lowered taxes, improved public services and attracted over $14 billion in new investment, with another $3 billion projected for this year. Mayor Archer has received numerous honors in recognition of his achievement, including being named President of the National League of Cities in 2001, Public Official of the Year in 2000 by Governing magazine, one of the 25 most dynamic mayors in America by Newsweek magazine, President of the National Conference of Democratic Mayors and one of the 100 most Influential Black Americans by Ebony magazine.

As a native Detroiter, I can personally attest to Mayor Archer's leadership and his commitment to those he serves. Through his hard work, dedication and creativity, he has truly improved the City of Detroit and the lives of those who live there. I know that my Senate colleagues will join me in congratulating Mayor Archer on being named a Knight of Charity.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE

At 12:51 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

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

H.J. Res. 51. Joint resolution approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam.

At 5:04 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the amendments of the Senate to the bill (H.R. 2133) to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in Brown v. Board of Education.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the first and second times by unanimous consent, and placed on the calendar.

H.J. Res. 51 Joint resolution approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–3646. A communication from the Vice President for Legal Affairs, General Counsel and Corporate Secretary, transmitting, pursuant to law, the Annual Report for 2000 under the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC–3647. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting , pursuant to law, a report entitled ''Information Collection Budget of the United States Government, Fiscal Year 2001''; to the Committee on Governmental Affairs.

EC–3648. A communication from the District of Columbia Auditor, transmitting, a report entitled ''Audit of the People's Counsel Agency Fund for Fiscal Year 1999''; to the Committee on Governmental Affairs.

EC–3649. A communication from the Comptroller General of the United States, General Accounting Office, transmitting, pursuant to law, a report relative to Reports, Testimony, Correspondence, and Other Publications for June 2001; to the Committee on Governmental Affairs.

EC–3650. A communication from the Executive Director of the Committee for Purchase from People Who are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list, received on August 15, 2001; to the Committee on Governmental Affairs.

EC–3651. A communication from the General Counsel of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled ''Correction of Administrative Errors; Lost Earnings Attributable to Employing Agency Errors'' received on August 16, 2001; to the Committee on Governmental Affairs.

EC–3652. A communication from the General Counsel of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled ''Methods of Withdrawing Funds from the Thrift Savings Plan'' received on August 16, 2001; to the Committee on Governmental Affairs.

EC–3653. A communication from the District of Columbia Auditor, transmitting, a report entitled ''Audit of the Public Service Commission Agency Fund for Fiscal Year 1999''; to the Committee on Governmental Affairs.

EC–3654. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, the Commercial Activities Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–3655. A communication from the Executive Director of the Committee for Purchase from People Who are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the Procurement List, received on August 24, 2001; to the Committee on Governmental Affairs.

EC–3656. A communication from the District of Columbia Auditor, transmitting, a report entitled ''Comparative Analysis of Actual Cash Collections to Revised Revenue Estimates Through the Third Quarter of Fiscal Year 2001''; to the Committee on Governmental Affairs.

EC–3657. A communication from the Comptroller General of the United States, General Accounting Office, transmitting, pursuant to law, the report of the lists of the General Accounting Office for July 2001; to the Committee on Governmental Affairs.

EC–3658. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of the Office of the Inspector General for the period beginning October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–3659. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–127, ''Approval of the Extension of the Term of the Franchise of Comcast Cablevision Act of 2001''; to the Committee on Governmental Affairs.

EC–3660. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–129, ''American Sign Language Recognition Act of 2001''; to the Committee on Governmental Affairs.

EC–3661. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report

on D.C. Act 14–122, ''Closing of a Public Alley in Square 529, S.O. 01–1183, Act of 2001''; to the Committee on Governmental Affairs.

EC–3662. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–121, ''Closing and Dedication of Streets and Alleys in Squares 5920 and 5928, S.E., S.O. 00–89, Act of 2001''; to the Committee on Governmental Affairs.

EC–3663. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–120, ''Ed Murphy Way, N.W., Act of 2001''; to the Committee on Governmental Affairs.

EC–3664. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act, ''Mental Health Service Delivery Reform Act of 2001''; to the Committee on Governmental Affairs.

EC–3665. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–109, ''Nominating Petitions Signature Amendment Act of 2001''; to the Committee on Governmental Affairs.

EC–3666. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–107, ''Technical Amendment Act of 2001''; to the Committee on Governmental Affairs.

EC–3667. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–117, ''New York Avenue Metro Special Assessment Authorization Act of 2001''; to the Committee on Governmental Affairs.

EC–3668. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–118, ''Special Signs Temporary Amendment Act of 2001''; to the Committee on Governmental Affairs.

EC–3669. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Annual Animal Welfare Enforcement Report for Fiscal Year 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3670. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Foreign Futures and Options Transactions'' (17 CFR Part 30) received on August 15, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3671. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Fresh Prunes Grown in Designated Counties in Washington and Umatilla County, Oregon; Decreased Assessment Rate'' (Doc. No. FV01–924–1IFR) received on August 17, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3672. A communication from the Congressional Review Coordinator , Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Scrapie in Sheep and Goats; Interstate Movement Restrictions and Indemnity Program'' (Doc. No. 97–093–5) received on August 22, 2001 ; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3673. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''17 CFR Parts 1, 5, 15, 36, 37, 38, 40, 41, 100, 166, 170, and 180—A New Regulatory Framework for Trading Facilities, Intermediaries and Clearing Organizations'' (RIN3038–AB63) received on August 23, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3674. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''17 CFR Parts 41 and 140—Exemption for Certain Brokers or Dealers From Provisions of the Commodity Exchange Act and CFTC Regulations'' (66 FR 43083) received on August 23, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3675. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Performance of Notice Registration Processing Functions by Natural Futures Association With Respect to Certain Securities Brokers and Dealers'' received on August 23, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3676. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''17 CFR Parts 3 and 170—Notice Registration as a Futures Commission Merchant or Introducing Broker for Certain Securities Brokers or Dealers'' received on August 23, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3677. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fluazinam; Pesticide Tolerance'' (FRL6797–3) received on August 23, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3678. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, a report entitled ''Labeling of Natural or Regenerated Collagen Sausage Casings'' (RIN0583–AC80) received on August 24, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3679. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Fruits and Vegetables'' (Doc. No. 00–006–2) received on August 28, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3680. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fludioxonil; Pesticide Tolerances for Emergency Exemptions'' (FRL6797–5) received on August 30, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3681. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Citrus Canker; Payments for Commercial Citrus Tree Replacement'' (Doc. No. 00–037–3) received on August 17, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3682. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Brucellosis in Cattle; State and Area Classifications; Oklahoma'' (Doc. No. 01–016–2) received on September 4, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3683. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Buprofezin; Pesticide Tolerances'' (FRL6796–6) received on September 4, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3684. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyriproxyfen; Pesticide Tolerance for Emergency Exemptions'' (FRL6798–6) received on September 4, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3685. A communication from the Acting Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Recreational Measures for the 2001 Fisheries'' (RIN0648–AN70) received on July 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3686. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Closes 'Other Rockfish' Fishery in the Western Regulatory Area, Gulf of Alaska'' received on August 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3687. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Pelagic Longline Fishery; Sea Turtle Protection Measures; Emergency Rule'' (RIN0648–AP31) received on August 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3688. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''17 CFR Part 1—Recordkeeping Amendments to the Daily Computation of the Amount of Customer Funds Required to be Segregated'' (RIN3038–AB52) received on August 15, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3689. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''17 CFR Part 140—Delegation of Authority to Disclose and Request Information'' received on August 15, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3690. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''17 CFR Part 1—Fees for Reviews of the Rule Enforcement Programs of Contract Markets and Registered Futures Associations'' received on August 15, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3691. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''17 CFR Parts 1 and 30—Treatment of Customer Funds'' received on August 15, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3692. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Privacy Act of 1974; System of Records; Biennial Publication'' received on August 15,

2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3693. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Halibut Fisheries; Primary Sable Fishery'' (RIN0648–AP26) received on August 15, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3694. A communication from the General Counsel of the Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Child-Resistant Packaging for Certain Over-The-Counter Drug Products'' (RIN3041–AB92) received on August 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3695. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Niagara River, Tonawanda, NY'' ((RIN2115–AA97)(2001–0070)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3696. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Pixcataqua River, ME'' ((RIN2115–AE47)(2001–0064)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3697. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Jamaica Bay and Connecting Waterways, NY'' ((RIN2115–AE47)(2001–0063)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3698. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Chemical Testing'' (RIN2115–AG00) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3699. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Marine Shipboard Electrical Cable Standards'' (RIN2115–AF89) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3700. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; McArdle Bridge Dredge Operations—Boston, Massachusetts'' ((RIN2115–AA97)(2001–0065)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3701. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Fort Lauderdale, Florida'' ((RIN2114–AA97)(2001–0067)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3702. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Milwaukee Harbor, Milwaukee, WI'' ((RIN2115–AA97)(2001–0068)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3703. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Middle Bass Island, Lake Erie, Ohio'' ((RIN2115–AA97)(2001–0069)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3704. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Firstar Fireworks Display, Milwaukee Harbor'' ((RIN2115–AA97)(2001–0061)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3705. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Manitowoc Fourth of July 2001, Manitowoc, Wisconsin'' ((RIN2115–AA97)(2001–0062)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3706. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: South Shore Frolics Fireworks Display, Milwaukee Harbor'' ((RIN2115–AA97)(2001–0063)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3707. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Cleveland Harbor, Cleveland, OH'' ((RIN2115–AA97)(2001–0064)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3708. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Fireworks Display, Columbia River, Vancouver, Washington'' ((RIN2115–AA97)(2001–0056)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3709. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Fireworks Display, Columbia River, Astoria, Oregon'' ((RIN2115–AA97)(2001–0057)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3710. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Fourth of July Celebration, Weymouth, Massachusetts'' ((RIN2115–AA97)(2001–0059)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3711. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Mississippi River, Iowa and Illinois'' ((RIN2115–AE47)(2001–0067)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3712. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: State Road AIA (North Bridge) Drawbridge, Atlantic Intracoastal Waterway, Fort Pierce, Florida'' ((RIN2115–AE47)(2001–0068)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3713. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Illinois Water, Illinois'' ((RIN2115–AE47)(2001–0069)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3714. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Sail Detroit and Tall Ship Celebration 2001, Detroit and Saginaw River, MI'' ((RIN2115–AA97)(2001–0055)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3715. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Lake Michigan, Chicago, IL'' ((RIN2115–AA97)(2001–0066)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3716. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Maumee River, Toledo, OH'' ((RIN2115–AA97)(2001–0058)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3717. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Lower Grand, LA'' ((RIN2115–AE47)(2001–0065)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3718. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Massalina Bayou, Florida'' ((RIN2115–AE47)(2001–0066)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3719. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; City of Lynn Fireworks, Lynn, Massachusetts'' ((RIN2115–AA97)(2001–0060)) received on August 20 , 2001; to the Committee on Commerce, Science, and Transportation.

EC–3720. A communication from the Attorney/Advisor of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to

law, the report of a rule entitled ''Motorcycle Braking Requirements'' (RIN2127–AH15) received on August 20 , 2001; to the Committee on Commerce, Science, and Transportation.

EC–3721. A communication from the Regulations Officer of the Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Controlled Substances and Alcohol Use and Testing'' (RIN2126–AA58) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3722. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder, Scup, Black Sea Bass, Loligo Squid, Illex Squid, Atlantic Mackerel, Butterfish, and Bluefish Fisheries; Framework Adjustment 1'' (RIN0648–AO91) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3723. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of a Class E Enroute Domestic Airspace Areas, Las Vegas, NY; Confirmation of Effective Date'' ((RIN2120–AA66)(2001–0137)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3724. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Emergency Medical Equipment; Docket No. FAA–2000–7119 (8–22/8–23); Correction'' ((RIN2120–AG89)(2001–0002)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3725. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Digital Flight Data Recorder Resolution Requirements; Request for Comments'' (RIN2120–AH46) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3726. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification to Chandler Municipal Airport Class D Surface Area; Chandler, AZ'' ((RIN2120–AA66)(2001–0142)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3727. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification to Glendale Municipal Airport Class D Surface Area; Glendale, AZ'' ((RIN2120–AA66)(2001–0141)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3728. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification to Phoenix Goodyear Municipal Airport Class D Surface Area; Phoenix, AZ'' ((RIN2120–AA66)(2001–0139)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3729. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification to Phoenix Deer Valley Municipal Airport Class D Surface Area; Phoenix, AZ'' ((RIN2120–AA66)(2001–0140)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3730. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–100 and –200 Series Airplanes'' ((RIN2120–AA64)(2001–0440)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3731. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC 10–10, –15, –30, and –30F Series Airplanes; and Model MD–10–10F, and –30F Series Airplanes'' ((RIN2120–AA64)(2001–0441)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3732. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767–300 Series Airplanes Modified by Supplemental Type Certificate SA5765NM or SA5978NM'' ((RIN2120–AA64)(2001–0438)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

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. HAGEL:

S. 1412. A bill to protect the property rights guaranteed by the fifth amendment to the Constitution by requiring Federal agencies to prepare private property taking impact analyses and by allowing expanded access to Federal courts; to the Committee on Governmental Affairs.

By Mr. LUGAR (for himself and Mr. HARKIN):

S. 1413. A bill to amend the Consolidated Farm and Rural Development Act to permit borrowers and grantees to use certain rural development loans and grants for other purposes under certain circumstances; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRAIG:

S. 1414. A bill to provide incentives for States to establish and administer periodic testing and merit pay programs for elementary school and secondary school teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself, Mr. BAUCUS, and Mr. DODD):

S. 1415. A bill to amend the Internal Revenue Code of 1986 to enhance book donations and literacy; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. CLELAND (for himself, Mrs. CLINTON, Mr. COCHRAN, and Mrs. MURRAY):

S. Res. 158. A resolution honoring the accomplishments and unfailing spirit of women in the 20th century; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 119

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 119, a bill to provide States with funds to support State, regional, and local school construction.

S. 145

At the request of Mr. THURMOND, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 312

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 312, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and fishermen, and for other purposes.

S. 486

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 486, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 550

At the request of Mr. DASCHLE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 550, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

S. 554

At the request of Mrs. MURRAY, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 554, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 572

At the request of Mr. CHAFEE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 572, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

S. 653

At the request of Mr. BAYH, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 653, a bill to amend part D of title IV of the Social Security Act to provide grants to States to encourage media campaigns to promote responsible fatherhood skills, and for other purposes.

S. 677

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 677, a bill to amend the

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

S. 685

At the request of Mr. BAYH, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 685, a bill to amend title IV of the Social Security Act to strengthen working families, and for other purposes.

S. 710

At the request of Mr. KENNEDY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 710, a bill to require coverage for colorectal cancer screenings.

S. 790

At the request of Mr. BROWNBACK, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 790, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 826

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 826, a bill to amend title XVIII of the Social Security Act to eliminate cost-sharing under the medicare program for bone mass measurements.

S. 830

At the request of Mr. CHAFEE, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 885

At the request of Mr. HUTCHINSON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 948

At the request of Mr. LOTT, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 948, a bill to amend title 23, United States Code, to require the Secretary of Transportation to carry out a grant program for providing financial assistance for local rail line relocation projects, and for other purposes.

S. 952

At the request of Mr. GREGG, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1006

At the request of Mr. HAGEL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1006, a bill to provide for the energy security of the United States and promote environmental quality by enhancing the use of motor vehicle fuels from renewable sources, and for other purposes.

S. 1009

At the request of Mrs. HUTCHISON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1009, a bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such diseases.

S. 1030

At the request of Mr. CONRAD, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1030, a bill to improve health care in rural areas by amending title XVIII of the Social Security Act and the Public Health Service Act, and for other purposes.

S. 1075

At the request of Mr. BIDEN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1075, a bill to extend and modify the Drug-Free Communities Support Program, to authorize a National Community Antidrug Coalition Institute, and for other purposes.

S. 1111

At the request of Mr. CRAIG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1111, a bill to amend the Consolidated Farm and Rural Development Act to authorize the National Rural Development Partnership, and for other purposes.

S. 1140

At the request of Mr. FEINGOLD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1209

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor 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. 1220

At the request of Mr. BREAUX, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1220, a bill to authorize the Secretary of Transportation to establish a grant program for the rehabilitation, preservation, or improvement of railroad track.

S. 1232

At the request of Mr. MCCONNELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1232, a bill to provide for the effective punishment of online child molesters, and for other purposes.

S. 1256

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1256, a bill to provide for the reauthorization of the breast cancer research special postage stamp, and for other purposes.

S. 1275

At the request of Mr. KENNEDY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1275, a bill to amend the Public Health Service Act to provide grants for public access defibrillation programs and public access defibrillation demonstration projects, and for other purposes.

S. 1286

At the request of Mrs. CARNAHAN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1286, a bill to provide for greater access to child care services for Federal employees.

S. 1298

At the request of Mr. HARKIN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1298, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 1327

At the request of Mr. MCCAIN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1327, a bill to amend title 49, United States Code, to provide emergency Secretarial authority to resolve airline labor disputes.

S. 1397

At the request of Mr. GRASSLEY, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1397, a bill to ensure availability of the mail to transmit shipments of day-old poultry.

S. 1400

At the request of Mr. KYL, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 1400, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to extend the deadline for aliens to present a border crossing card that contains a biometric identifier matching the appropriate biometric characteristic of the alien.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HAGEL:

S. 1412. A bill to protect the property rights guaranteed by the fifth amendment to the Constitution by requiring Federal agencies to prepare private property taking impact analyses and by allowing expanded access to Federal courts; to the Committee on Governmental Affairs.

Mr. HAGEL. Mr. President, America's property owners are increasingly pressured by more and more burdensome government regulations and restrictions. Federal agencies should comply with state and local laws on property rights, and ensure that our Nation's policies are implemented with minimal impact on property owners. Today, I am reintroducing legislation that would help enforce the U.S. Constitution's guarantee of private property rights.

The Private Property Rights Act would help protect land owners in two ways. First, the bill would require the Federal Government to conduct an economic impact analysis prior to taking any action that would inhibit or restrict the use of private property. For the first time, the government would be forced to determine in advance how its actions will impact the property owner.

Second, when government does take private property or restricts land use, the bill would allow landowners to plead their case in a Federal District Court instead of forcing them to the U.S. Court of Federal Claims. This means property owners could appeal any Federal taking of their property in their home state, rather than Washington, D.C.

This bill has won the endorsement of the Nebraska Cattlemen, the Nebraska Farm Bureau, and the Defenders of Property Rights. Their letters of support are being submitted for the RECORD.

The Private Property Rights Act is commonsense legislation that will return some justice to the system by reining in regulatory agencies, as well as giving the property owner a voice in the process. This is the fair thing to do. This is the right thing to do.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

SEPTEMBER 6, 2001.

Hon. CHUCK HAGEL,
U.S. Senate,
Washington, DC.

DEAR SENATOR HAGEL: The Nebraska Cattlemen applaud you for reintroducing property rights protection legislation, The Private Property Rights Act of 2001, in the 107th Congress. The Association supported similar legislation (S. 246) in the 106th Congress and extends their support for your efforts again this year.

The Private Property Rights Act of 2001 addresses a phenomenon of federal and state government growth over the past three decades—regulatory programs that creep into areas and activities they were never envisioned to impact at their creation. Wetland regulations and endangered or threatened species designations are just two examples of how ''regulatory creep'' has begun to affect almost every agricultural activity. A little closer to home, recent efforts by EPA to identify the sun as a source of pollution in the Platte River may only be overshadowed by more recent efforts to list the prairie dog as a species threatened with extinction.

Considering these examples, it has never been more important for federal agencies to be required to conduct an analysis of the effects of their actions on property rights. As found in The Private Property Rights Act of 2001, agency actions critical to public safety or law enforcement would be exempt from this requirement. Finally, and most critically, the legislation provides affected property owners an opportunity to seek relief form federal agencies whose actions result in a taking of private property rights through a federal district court in their state—instead of forcing them into the Federal Claims Court in Washington, DC.

The Private Property Rights Act of 2001 is a solid solution to a growing problem—the increased impact that federal regulations have on property rights guaranteed by the Fifth Amendment to the U.S. Constitution. The Nebraska Cattlemen support this legislation and thank you for again taking a leadership role on this important issue.

Sincerely,

GREG RUEHLE,
Executive Vice President,
Nebraksa Cattlemen.

NEBRASKA FARM BUREAU FEDERATION,
Lincoln, NE, September 7, 2001.

Hon. CHUCK HAGEL,
Russell Senate Building,
Washington, DC.

DEAR SENATOR HAGEL: On behalf of the Nebraska Farm Bureau Federation, I would like to offer our strong support for your bill titled ''Private Property Rights' Act of 2001''

As Nebraska's largest farm organization, we have been a long time supporter of legislative efforts to protect property rights for landowners. For years farmers and ranchers have seen their property rights erode through various government actions and regulations. The problem is only exacerbated by the fact the government has failed to provide full and equitable compensation for the loss of the use of property due to government actions.

Your bill would take a giant step forward by providing some protection for landowners' property rights. By requiring federal agencies to prepare private property taking impact analyses and by allowing expanded access to Federal courts, the bill would certainly help prevent or reduce the loss of private property rights. Government should be forced to determine in advance how its actions would impact the property owner and this bill would put those necessary requirements in place.

In Nebraska, the Endangered Species Act and wetland regulations have decreased the use or value on many privately held acres by farmers and ranchers. This legislation would go a long way towards putting some fairness back into the system by making agencies think twice before they act on rules that impact private property rights and by giving property owners a voice in the process.

Nebraska farmers and ranchers appreciate your support for private property rights and your introduction of this bill.

Sincerely,

BRYCE P. NEIDIG,
President.

DEFENDERS OF PROPERTY RIGHTS,
Washington, DC, September 6, 2001.

Re: Introduction of the Private Property Fairness Act.

Hon. CHUCK HAGEL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR HAGEL: It has come to the attention of our organization that you are to shortly re-introduce the Private Property Fairness Act of 1999 [formerly S. 246]. As this country's only public interest legal foundation dedicated exclusively to the protection of private property rights, Defenders of Property Rights commends your efforts to pass this valuable piece of legislation. We would be happy to assist you in your efforts to pass this piece of legislation.

As you noted when you introduced S. 246 on January 20, 1999, ''. . . the law of takings is not yet settled to the satisfaction of most Americans.'' Our membership includes scores of individual property owners across this nation—in courts from coast to coast—whose constitutionally protected rights to ownership, use and enjoyment of property are or have been unconstitutionally denied them, we can attest to the accuracy of your observation. Sadly, Defenders of Property Rights can report that there are fewer 'satisfied' Americans now, than when we began our efforts nearly a dozen years ago. We can state without exaggeration that while individual cases of regulatory takings of property without just compensation are increasing, the operative effect of regulations now threatens the very existence of entire regions of rural America.

Like you, Defenders of Property Rights acknowledges the need for the rational application of this nation's environmental laws to protect our natural resources. However, when government policy and regulation unconstitutionally deprive individuals or businesses of their private property rights, then just and adequate compensation is constitutionally required. However, as you correctly noted in your January 20, 1999 statement, the cost of bearing too many of the impacts of regulatory takings are shouldered by the few. And, you rightly stated, ''This is not fair.'' We could not agree more. We would also add that it is not constitutional.

We believe that enactment of the successor to The Private Property Fairness Act would arrest the continued diminishment of what the Framers of our Constitution considered a fundamental right—property rights. Additionally, we believe that your legislation will impose reasonable restraints on governmental agencies that will add a measure of calculated seriousness to their decisions to destroy private property. Finally, we are encouraged to note that your bill would dramatically increase the forums available to private property owners who seek redress when their property rights are diminished or taken.

In short, Defenders of Property Rights is delighted to register its support for your proposed legislation. The fundamental importance of property rights is one of the animating principles of our form of government. Moreover, we are enormously encouraged by your leadership on this important issue. We look forward to working with you on this valuable piece of legislation.

Yours truly,

NANCIE G. MARZULLA,
President.

By Mr. LUGAR (for himself and Mr. HARKIN):

S. 1413. A bill to amend the Consolidated Farm and Rural Development Act to permit borrowers and grantees to use certain rural development loans

and grants for other purposes under certain circumstances; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LUGAR. Mr. President, I rise to introduce legislation amending the Consolidated Farm and Rural Development Act to allow the Secretary of Agriculture to approve changes to the original purpose for which a USDA Rural Development grant or loan was made when requested by a recipient.

The Rural Community Advancement Program, as established under the Con Act, consists of separate accounts to provide funding for rural community facilities, rural waste and water utilities, and rural business and cooperative development. In the 1996 Farm Bill, we provided State Directors of Rural Development with the authority to transfer up to 25 percent of funds allocated to one of those accounts for a State in a fiscal year to any of the other accounts for which funds were allocated for the State in that fiscal year. This flexibility allows a State to adjust funding among the accounts to meet changing circumstances. For example, in a given year a State may have greater demand for financial assistance for rural community facilities than for rural business development, and the authority we granted in 1996 would allow a State the flexibility to address that change in demand.

The flexibility provided by the 1996 Farm Bill, however, extended only to prospective funding. It did not cover changes to loan and grant purposes needed by a community after a loan or grant has been made. Any post-award change to the grant or loan purpose would require return to USDA of any unspent grant or loan funds, or reimbursement to the Federal Government for its proportionate financial interest in any property acquired with the loan or grant funds.

Communities in Pennsylvania, Oregon, and Oklahoma have faced this dilemma when they have sought to provide space in grant-funded industrial parks to businesses that were too large to qualify under the terms of their Rural Business Enterprise Grant but that otherwise would have been eligible for a Rural Development Business and Industry loan. An Indiana community has unused property in its grant-funded industrial park that it now would like to use for a critically needed police station and water tower. USDA has no authority to allow any of these communities to change the authorized use for the land for which the grant or loan originally was made.

The measure I offer today would allow the Secretary to approve these types of requests. Under the bill, a community could request the Secretary to approve a change in the rural development purpose for previously awarded grants and loans to another rural development purpose authorized under the Con Act. A change in purpose could be requested only for property acquired with such funds, or for the proceeds from sale of property acquired with such funds.

This measure would not require the Secretary to approve requests. It simply allows the Secretary to be fair and reasonable in considering requests by communities to alter the original purpose of the grant or loan. The beneficiary of such a change would not reap any financial windfall from such a change at the expense of the Federal government. The Federal government would retain its financial interest in any property used for the new purpose approved by the Secretary.

We all know how the needs of communities change over time due to economic development and demographic change. This measure allows the Secretary to be fair and reasonable in considering requests by communities to alter the original purpose of a grant or loan in response to such changes. I am hopeful my colleagues will join me in supporting this legislation.

By Mr. CRAIG:

S. 1414. A bill to provide incentives for States to establish and administer periodic testing and merit pay programs for elementary school and secondary school teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CRAIG. Mr. President, I rise today to introduce the Parent and Teacher Achievement Act of 2001. We spent much of the spring debating the Federal Government's role in education, and in the end we passed a bill which gives a lot of money to the education establishment. Now, however, it is time to work on a policy that addresses what we can do for parents and teachers, and how we can let them keep some of their money so they can start improving education from the ground up.

This bill has many important provisions, but the most important is the tax credit for parents and relatives to use for education expenses. They can use this credit for any expenses they incur when they spend money on their children's education, such as school supplies, computers, private tutors, or other such expenses. This credit can also be used by parents who home school as well as to help offset tuition at private schools. This is not a voucher program nor is it a government subsidy for private schools. This tax credit is simply the Federal Government recognizing that parents know best how to educate their children. As education researcher Andrew Coulson has said, ''. . . parents have consistently made better education choices for their own children than state-appointed experts have made on their behalf.'' The Federal Government should not penalize them by taxing the money parents spend to further that education. It should be pointed out that this credit would also apply to relatives of students if they contribute money towards educational expenses. We all know that grandparents and aunts and uncles do a lot to contribute to children's education. It is only appropriate to recognize those efforts, too.

The idea of the type of tax credit contained in this bill has been picking up steam recently, and many think tanks, such as the Cato Institute, the Mackinac Center, and the Buckeye Institute, have issued reports on tuition tax credits which clearly illustrate their benefits. A tax credit of this type has also begun to be enacted in the real world. Arizona has had an education tax credit for a few years, and it has proven to be remarkably successful. The Canadian province of Ontario also recently enacted a tax credit of this type.

Of course, a tax credit is only available to people who pay taxes, but my bill also benefits low income individuals. To address the needs of these people, I have included a provision in this bill which would give individuals or corporations a tax credit when they donate money to organizations which give scholarships to lower income students. This would allow funds to go to private organizations so they award scholarships, while avoiding any church/state entanglements which concern so many who oppose vouchers. The state of Arizona has had success with this program, too.

Another important tax component contained in this bill is one which allows teachers to take a credit for money spent on school supplies for their students. Nobody goes into teaching to get rich; they do it because they recognize their job is one of the most important in this Nation, preparing our youth for the future. And though teachers do not receive lavish salaries, many of them spend considerable sums for school supplies for their students. It is only fair that the Federal Government should not tax this money. The bill also contains a provision that would allow teachers and other school staff a tax deduction for expenses they incur while improving their education or job skills. Our teachers need to be the best trained teachers in the world, and we should encourage this all we can.

The final section of this bill would empower teachers by allowing the Secretary of Education to give grants to States and school districts which set up merit pay systems in schools and implement teacher testing programs, as long as those states also have a continuing education requirement as part of their teacher certification process. It also has a provision which clarifies any Department of Education regulations and says that federal funds can be used for merit pay systems and for teacher testing programs. If States and school districts find the need to use their funds for these programs, the Federal Government should not tie them up in red tape and prevent them from meeting their needs as they see them. We all know that local educators have a much better view of the needs they encounter, and we in Washington

should give them as much freedom as possible to meet those needs.

By enacting this bill, the U.S. Senate will be making a firm commitment to helping parents and teachers achieve education success. Parents in this country need to have as much freedom as possible to choose the ways in which their children will be educated, and this bill is a modest step in that direction. To complement the efforts of parents, though, we need to have teachers who are the most qualified and the most able to meet the needs of the children parents send to them every day. Encouraging states to implement merit pay and teacher testing, and allowing teachers to have a credit for their educational expenses, will go a long way towards making this a reality.

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. 1414

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 ''Parent and Teacher Achievement Act of 2001''.

SEC. 2. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

(a) AMENDMENTS.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating part E as part F;

(2) by redesignating sections 2401 and 2402 as sections 2501 and 2502, respectively; and

(3) by inserting after part D the following:

''PART E—STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY

''SEC. 2401. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

''(a) STATE AWARDS.—From funds made available under subsection (b) for a fiscal year, the Secretary shall make an award to each State that—

''(1) administers a test to each elementary school and secondary school teacher in the State, with respect to the subjects taught by the teacher, every 3 to 5 years;

''(2) has an elementary school and secondary school teacher compensation system that is based on merit; and

''(3) requires elementary school and secondary school teachers to earn continuing education credits as part of a State recertification process.

''(b) AVAILABLE FUNDING.—Notwithstanding any other provision of law, the amount of funds that are available to carry out this section for a fiscal year is 50 percent of the amount of funds appropriated to carry out this title that are in excess of the amount so appropriated for fiscal year 2001, except that no funds shall be available to carry out this section for any fiscal year for which—

''(1) the amount appropriated to carry out this title exceeds $600,000,000; or

''(2) each of the several States is eligible to receive an award under this section.

''(c) AWARD AMOUNT.—A State shall receive an award under this section in an amount that bears the same relation to the total amount available for awards under this section for a fiscal year as the number of States that are eligible to receive such an award for the fiscal year bears to the total number of all States so eligible for the fiscal year.

''(d) USE OF FUNDS.—Funds provided under this section may be used by States to carry out the activities described in section 2207.

''(e) DEFINITION OF STATE.—In this section, the term 'State' means each of the 50 States and the District of Columbia.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2001.

SEC. 3. TEACHER TESTING AND MERIT PAY.

(a) IN GENERAL.—Notwithstanding any other provision of law, a State may use Federal education funds—

(1) to carry out a test of each elementary school or secondary school teacher in the State with respect to the subjects taught by the teacher; or

(2) to establish a merit pay program for the teachers.

(b) DEFINITIONS.—In this section, the terms ''elementary school'' and ''secondary school'' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

SEC. 4. NONREFUNDABLE CREDIT FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

''SEC. 25C. CREDIT FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified elementary and secondary education expenses (within the meaning of section 530(b)(4)) with respect to one or more qualifying students which are paid or incurred by the individual during such taxable year.

''(b) LIMITATIONS.—

''(1) MAXIMUM CREDIT.—The credit allowed by subsection (a) for any taxable year shall not exceed $1000 per qualifying student.

''(2) MAXIMUM TUITION EXPENSES.—The tuition expenses which may be taken into account in determining qualified elementary and secondary education expenses for any taxable year shall not exceed $500 per qualifying student.

''(c) QUALIFYING STUDENT.—For purposes of this section, the term ''qualifying student'' means a dependent (within the meaning of section 152) or a relative of the taxpayer who is enrolled in school (as defined in section 530(b)(4)(B)) on a full-time basis. For purposes of the preceding sentence, the term 'relative' means an individual bearing a relationship to the taxpayer which is described in any of paragraphs (1) through (8) of section 152(a).

''(d) DENIAL OF DOUBLE BENEFIT.—No deduction or exclusion shall be allowed under this chapter for any expense for which credit is allowed under this section.

''(g) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25B the following new item:

''Sec. 25C. Credit for elementary and secondary school expenses.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 5. CREDIT FOR CONTRIBUTIONS FOR THE BENEFIT OF ELEMENTARY AND SECONDARY SCHOOLS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to other credits) is amended by adding at the end the following new section:

''SEC. 30B. CREDIT FOR CONTRIBUTIONS FOR THE BENEFIT OF ELEMENTARY AND SECONDARY SCHOOLS.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 75 percent of the qualified charitable contributions of the taxpayer for the taxable year.

''(b) MAXIMUM CREDIT.—

''(1) INDIVIDUALS.—In the case of a taxpayer other than a corporation, the credit allowed by subsection (a) for any taxable year shall not exceed $500 ($1,000 in the case of a joint return).

''(2) CORPORATIONS.—In the case of a corporation, the credit allowed by subsection (a) shall not exceed $100,000.

''(c) QUALIFIED CHARITABLE CONTRIBUTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified charitable contribution' means, with respect to any taxable year, the aggregate amount allowable as a deduction under section 170 (determined without regard to subsection (d)(1)) for cash contributions to a school tuition organization.

''(2) SCHOOL TUITION ORGANIZATION.—

''(A) IN GENERAL.—The term 'school tuition organization' means any organization which—

''(i) is described in section 170(c)(2),

''(ii) allocates at least 90 percent of its gross income and contributions and gifts to elementary and secondary school scholarships, and

''(iii) awards scholarships to any student who is eligible for free or reduced cost lunch under the school program established under the Richard B. Russell National School Lunch Act.

''(B) ELEMENTARY AND SECONDARY SCHOOL SCHOLARSHIP.—The term 'elementary and secondary school scholarship' means any scholarship excludable from gross income under section 117 for expenses related to education at or below the 12th grade.

''(d) SPECIAL RULES.—

''(1) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any contribution for which credit is allowed under this section.

''(2) APPLICATION WITH OTHER CREDITS.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(A) the regular tax for the taxable year, reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

''(B) the tentative minimum tax for the taxable year.

''(3) CONTROLLED GROUPS.—All persons who are treated as one employer under subsection (a) or (b) of section 52 shall be treated as 1 taxpayer for purposes of this section.

''(e) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 30B. Credit for contributions for the benefit of elementary and secondary schools.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 6. CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal

Revenue Code of 1986 (relating to other credits), as amended by section 4(a), is amended by adding at the end the following new section:

"SEC. 30C. CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.

''(a) ALLOWANCE OF CREDIT.—In the case of an eligible educator, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified elementary and secondary education expenses which are paid or incurred by the taxpayer during such taxable year.

''(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) for any taxable year shall not exceed $1,000.

''(c) DEFINITIONS.—

''(1) ELIGIBLE EDUCATOR.—The term 'eligible educator' means an individual who is a teacher, instructor, counselor, principal, or aide in a school (as defined in section 530(b)(4)(B)) for at least 900 hours during a school year.

''(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—The term 'qualified elementary and secondary education expenses' means expenses for books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by an eligible educator in the classroom.

''(d) SPECIAL RULES.—

''(1) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any expense for which credit is allowed under this section.

''(2) APPLICATION WITH OTHER CREDITS.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(A) the regular tax for the taxable year, reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

''(B) the tentative minimum tax for the taxable year.

''(e) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by section 4(b), is amended by adding at the end the following new item:

''Sec. 30C. Credit to elementary and secondary school teachers who provide classroom materials.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 7. ADJUSTED GROSS INCOME DETERMINED BY TAKING INTO ACCOUNT PROFESSIONAL DEVELOPMENT EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Section 62(a)(2) of the Internal Revenue Code of 1986 (relating to certain trade and business deductions of employees) is amended by adding at the end the following:

''(D) PROFESSIONAL DEVELOPMENT EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.—The deductions allowed by section 162 which consist of expenses, not in excess of $1,500, paid or incurred by an eligible educator (as defined section 30C(c)(1)) by reason of the participation of the educator in professional development courses which are related to the curriculum and academic subjects in which the educator provides instruction or to the students for which the educator provides instruction and which are part of a program of professional development which is approved and certified by the appropriate local educational agency (as defined by section 14101 of the Elementary and Secondary Education Act of 1965, as in effect on the date of the enactment of this subparagraph).''.

(b) SPECIAL RULES.—Section 62 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(d) SPECIAL RULES.—A deduction shall be allowed under subsection (a)(2)(D) for expenses only to the extent the amount of such expenses exceeds the amount excludable under section 135, 529(c)(1), or 530(d)(2) for the taxable year.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

By Mr. HATCH (for himself, Mr. BAUCUS, and Mr. DODD):

S. 1415. A bill to amend the Internal Revenue Code of 1986 to enhance book donations and literacy; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce legislation designed to clarify and enhance the charitable contribution tax deduction for donations of excess book inventory for educational purposes. I am pleased to be joined in this effort by my good friends and colleagues Senators BAUCUS and DODD. This proposal would simplify a complex area of the current law and eliminate significant roadblocks that now stand in the way of corporations with excess book inventory to donating those books to schools, libraries, and literacy programs, where they are much needed.

Unfortunately, our current tax law contains a major flaw when it comes to the donation of books that are excess inventory for publishers or booksellers. The tax benefits for donating such books to schools or libraries are often no greater than those of sending the books to the landfill. And, since it is generally cheaper and faster for a company to simply send the books to the dump, rather than go through the trouble and cost of finding donees, and of packing, storing, and shipping the books, it often ends up being more cost effective and easier for companies to truck the books to a landfill or recycling center.

While there are provisions in the current law where a larger deduction is available for the donation of excess books, many companies have found that the complexity and uncertainty of dealing with the requirements, regulations, and possible Internal Revenue Service challenges of the higher deduction serve as a real disincentive to making a contribution.

This is a sad situation, when one considers that many, if not most, of these books would be warmly welcomed by schools, libraries, and literacy programs.

The heart of the problem is that under the current law, the higher deduction requires that the donated books be used only for the care of the needy, the sick, or infants. This requirement makes it difficult for schools to qualify as donees and also frequently prohibits libraries and adult literacy programs from receiving such deductions. This is because these schools, libraries, and literacy programs often serve those who are not needy or are over the age of 18. Further complicating the issue, the valuation of donated book inventory has been the subject of ongoing disputes between taxpayers and the IRS. The tax code should not contain obstacles that provide disincentives to charitable donations of books that can enhance learning.

The bill we are introducing today addresses the obstacles of donating excess book inventory by providing a simple and clear rule whereby any donation of book inventory to a qualified school, library, or literacy program is eligible for the enhanced deduction. This means that booksellers and publishers would receive a higher tax benefit for donating the books rather than throwing them away and would thus be encouraged to go to the extra trouble and expense of seeking out qualified donees and making the contributions.

My home State of Utah, like the rest of the Nation, has a problem with illiteracy. According to the National Institute for Literacy, between 21 and 23 percent of the adult population of the United States, about 44 million people, are only at Level 1 literacy, meaning they can read a little but not well enough to fill out an application, read a food label, or read a simple story to a child. Another 25 to 28 percent of the adult population, or between 45 and 50 million people, are estimated to be at Level 2 literacy, meaning they can usually can perform more complex tasks such as comparing, contrasting, or integrating pieces of information but usually not higher level reading and problem-solving skills. Literacy experts tell us that adults with skills at Levels 1 and 2 lack a sufficient foundation of basic skills to function successfully in our society.

While this bill is not a cure-all for the tragedy of illiteracy, it will increase access to books, both for adults and for children. Our tax code should not encourage the destruction of perfectly good books while schools, libraries, and literacy programs go begging for them.

The Senate is already on record in unanimous support of this bill. During the floor debate on the Economic Growth and Tax Relief Reconciliation Act of 2001, I offered this proposal as an amendment, which was accepted without opposition. Unfortunately, the provision was dropped in the conference with the House.

The Joint Committee on Taxation estimates this provision to decrease revenues to the Treasury by $246 million over a ten year period. This estimate helps demonstrate the extent of the value of the books that are currently being discarded that could be utilized to help America's adults and children.

I hope our colleagues will join us in supporting this bill. It is wrong for our

tax code to encourage book publishers to send books to the landfill instead of to the library. Let's correct this problem.

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. 1415

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

SECTION 1. CONTRIBUTIONS OF BOOK INVENTORY.

(a) IN GENERAL.—Section 170(e)(3) of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR CONTRIBUTIONS OF BOOK INVENTORY FOR EDUCATIONAL PURPOSES.—

''(i) CONTRIBUTIONS OF BOOK INVENTORY.—In determining whether a qualified book contribution is a qualified contribution, subparagraph (A) shall be applied without regard to whether or not—

''(I) the donee is an organization described in the matter preceding clause (i) of subparagraph (A), and

''(II) the property is to be used by the donee solely for the care of the ill, the needy, or infants.

''(ii) QUALIFIED BOOK CONTRIBUTION.—For purposes of this paragraph, the term 'qualified book contribution' means a charitable contribution of books, but only if the contribution is to an organization—

''(I) described in subclause (I) or (III) of paragraph (6)(B)(i), or

''(II) described in section 501(c)(3) and exempt from tax under section 501(a) which is organized primarily to make books available to the general public at no cost or to operate a literacy program.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act.

Mr. DODD. Mr. President, I rise with my colleagues Senator HATCH and Senator BAUCUS to introduce a measure to encourage book publishers to donate excess inventory to schools, libraries, and literacy programs.

Currently, because of the TAX CODE's treatment of such donations, and the cost of shipping books to schools and libraries, often it is more economical for publishers to destroy books than to donate them. That is as shocking as it is unacceptable.

Both the House and Senate versions of the education bills that currently are in conference authorize nearly $1 billion dollars for grants to State and local educational agencies for pre-reading or reading programs for children from pre-kindergarten through 3rd grade. I think it goes without saying that programs to teach kids to read won't work unless they can provide kids with access to books. You can't learn to read if you don't have anything to read.

That is why measures such as this, and the provision in the Senate's education bill to help school libraries acquire up-to-date books and to remain open for longer hours, are essential to the success of the reading programs in both bills. This provision will increase children's access to books, introduce them to whole new worlds of knowledge, and enable them to read more at school, in libraries, and at home.

This is important, because in a recent study of 15 countries, the United States was 12th in the percentage of 13-year-olds who read for fun. Of course, reading for fun is valuable for its own sake, but it also is an important indicator of academic achievement. For example, students who read on their own do better on both math and reading tests.

So, I believe that this provision is exactly the sort of good bipartisan tax and public policy that we ought to be promoting in the Senate, and I ask my colleagues to join Senators HATCH, BAUCUS, and myself in supporting this bill.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 158—HONORING THE ACCOMPLISHMENTS AND UNFAILING SPIRIT OF WOMEN IN THE 20TH CENTURY

Mr. CLELAND (for himself, Mrs. CLINTON, Mr. COCHRAN, and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 158

Whereas women should be celebrated for the unparalleled strides made during the 20th century in education, professional careers, legal rights, politics, military service, religion, sports, and self-reliance;

Whereas at the dawn of the 20th century, women in the United States were denied their constitutional right to equal protection of the law, including the right to vote;

Whereas the women's suffrage movement, the largest grassroots political movement in the Nation's history, involved approximately 2,000,000 women and took more than 70 years of petitions, referenda, speeches, national and State campaigns, demonstrations, arrests, and hunger strikes;

Whereas women won the right to vote throughout the United States with the ratification of the 19th amendment to the Constitution in 1920, and by the end of the century women were voting in larger numbers than men in some national elections;

Whereas women represent an increasing percentage of the population awarded college and postgraduate degrees;

Whereas women are increasingly owning businesses and working to narrow the pay gap between women and men;

Whereas in World War I, women were only allowed to serve in the Army as nurses, and approximately 10,000 of the 30,000 women that served in World War I served as volunteers overseas, with no rank and no benefits;

Whereas during the 20th century, women served the Nation proudly and capably in the Armed Forces, including duty in World War I, World War II, Korea, Vietnam, Panama, Libya, the Persian Gulf, Bosnia, Kosovo, and in supportive roles during all of these conflicts;

Whereas women now serve in all ranks and branches of the Armed Forces as pilots, intelligence specialists, drill instructors, specialists, technicians, soldiers, airmen, and marines on the battlefields, and as sailors aboard Navy and Coast Guard ships at sea;

Whereas the 20th century saw women in new roles as justices on the Supreme Court, members of the President's Executive Cabinet, and Members of Congress;

Whereas women's contributions have become invaluable as Federal, State, and local legislators, Governors, judges, Cabinet officers, county commissioners, mayors, city council members, and directors of Federal, State, and local agencies;

Whereas women made significant strides in the 20th century, yet as we enter the 21st century women continue to face inequality;

Whereas women are disparately excluded from health care research, clinical trials, and treatment;

Whereas women continue to be underrepresented in science and technology careers;

Whereas women are often paid only 72 cents for each 1 dollar paid to men for the same work;

Whereas women are disproportionately affected by poverty and elderly women are generally more dependent on the social security program under title II of the Social Security Act; and

Whereas women can reflect upon the opportunities created during the 20th century and look toward even greater accomplishments in the 21st century: Now, therefore, be it

Resolved, That the Senate—

(1) honors and commends the accomplishments and unfailing spirit of women in the 20th century;

(2) recognizes the crucial roles of women in our communities as mothers, wives, and family caregivers;

(3) recognizes the disparity in equality that women still face;

(4) reaffirms the need to prevent and punish violence against women so that women may be safe from domestic violence, sexual assault, elder abuse, and violence in the workplace;

(5) recognizes that women should have equal access to health care and inclusion in research and clinical trials;

(6) recognizes the need for equality in vocational and academic education;

(7) recognizes that the pay gap should be closed;

(8) commits to preserving the social security program under title II of the Social Security Act and the medicare program under title XVIII of such Act; and

(9) pledges to make the 21st century the ''Century of Equal Opportunity for Women''.

Mr. CLELAND. Mr. President, I rise today to submit a resolution recognizing the 21st century as the ''Century of Equal Opportunity for Women.''

This proposal recognizes that as we enter the 21st century, it is essential that we note the great strides made by women in the 20th century as well as recognizing fundamental inequalities still faced by women as we begin the 21st century. The need for this resolution comes from the important requirement to acknowledge past achievements but to also address specific areas where further improvements are needed in order to ensure that women are given equal opportunity.

Unfortunately, women continue to face challenges and disparities in areas like health care and wages. This resolution acknowledges inequities such as the pay gap and challenges us to see that these issues are addressed so that

women may have not just more opportunities, but equal opportunities. The measure is supported by the American Association of University Women. I, along with co-sponsors Senators CLINTON, COCHRAN, and MURRAY, urge our colleagues to support this resolution and recognize the 21st century as the ''Century of Equal Opportunity for Women.''

AMENDMENTS SUBMITTED AND PROPOSED

SA 1533. Mr. HOLLINGS (for himself and Mr. GREGG) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

SA 1534. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1535. Mr. HOLLINGS (for himself and Mr. GREGG) proposed an amendment to the bill H.R. 2500, supra.

SA 1536. Mr. CRAIG (for himself, Mr. MILLER, Mr. HELMS, Mr. SMITH, of New Hampshire, Mr. ALLEN, Mr. CRAPO, Mr. LOTT, Mr. NICKLES, Mr. SANTORUM, Mr. BENNETT, Mr. ALLARD, Mr. KYL, Mr. BOND, and Mr. INHOFE) proposed an amendment to the bill H.R. 2500, supra.

SA 1537. Mr. CRAIG proposed an amendment to amendment SA 1536 proposed by Mr. CRAIG to the bill (H.R. 2500) supra.

SA 1538. Mr. SMITH, of New Hampshire (for himself, Mr. HARKIN, Mr. WARNER, Mr. INHOFE, Mr. COCHRAN, Mr. ALLARD, Mr. CAMPBELL, and Mr. JOHNSON) proposed an amendment to the bill H.R. 2500, supra.

SA 1539. Mr. WELLSTONE (for himself, Mr. HELMS, Mr. KOHL, Mr. FEINGOLD, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1540. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1541. Mr. CRAIG (for himself, Mr. CRAPO, Mr. BENNETT, Mr. ALLEN, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1542. Mr. DORGAN (for himself and Mr. KERRY) proposed an amendment to the bill H.R. 2500, supra.

SA 1543. Mr. DORGAN proposed an amendment to the bill H.R. 2500, supra.

SA 1544. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1545. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1546. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1547. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2500, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1533. Mr. HOLLINGS (for himself and Mr. GREGG) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Strike all after the enacting clause and insert the following: That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $93,433,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided,* That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $8,136,000 shall be expended for the Department Leadership Program: *Provided further,* That not to exceed 41 permanent positions and 48 full-time equivalent workyears and $4,811,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further,* That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs: *Provided further,* That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act.

JOINT AUTOMATED BOOKING SYSTEM

For expenses necessary for the nationwide deployment of a Joint Automated Booking System including automated capability to transmit fingerprint and image data, $22,500,000, to remain available until expended.

LEGAL ACTIVITIES OFFICE AUTOMATION

For necessary office-automation expenses of organizations funded under the headings ''Salaries and Expenses'', General Legal Activities, and ''Salaries and Expenses'', General Administration, and of the United States Attorneys, the United States Marshals Service, the Antitrust Division, the United States Trustee Program, the Executive Office for Immigration Review, and the Community Relations Service, $34,600,000, to remain available until expended.

NARROWBAND COMMUNICATIONS

For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, $204,549,000, to remain available until expended.

PORT SECURITY

For expenses necessary for counter-terrorism, counter-narcotics, and other law enforcement activities at United States seaports, including Great Lakes ports, $39,950,000, to remain available until expended, to be available only for facilities, equipment, and supplies occupied or used by federal law enforcement agencies, including the United States Customs Service.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $45,813,000.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee who shall exercise all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service; and the detention of aliens in the custody of the Immigration and Naturalization Service, $88,884,000, of which $87,166,000 shall be available only for prisoner movements handled by the Justice Prisoner and Alien Transportation System: *Provided,* That the Trustee shall be responsible for overseeing construction of detention facilities or for housing related to such detention; the management of funds appropriated to the Department for the exercise of any detention functions; and the direction of the United States Marshals Service and Immigration and Naturalization Service with respect to the exercise of detention policy setting and operations for the Department.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $46,006,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $8,836,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $527,543,000: *Provided,* That of the funds made available in this appropriation, $2,612,000 shall remain available until expended only for courtroom technology: *Provided further,* That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for representation expenses.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $130,791,000: *Provided,* That, notwithstanding any other provision of law, not to exceed $130,791,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year

2002 appropriation from the general fund estimated at not more than $0.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,260,353,000; of which not to exceed $2,500,000 shall be available until September 30, 2003, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That of the amount made available under this heading, $6,000,000 shall be available only to procure, operate, and maintain gunfire surveillance equipment to support gun prosecution initiatives in high crime areas: *Provided further*, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: *Provided further*, That, notwithstanding any other provision of law, the Attorney General shall transfer to the Department of Justice Working Capital Fund, unobligated, all unexpended funds appropriated by the first heading of chapter 2 of title II of division B of Public Law 106–246 and by section 202 of division A of appendix H.R. 5666 of Public Law 106–554: *Provided further*, That not to exceed $2,500,000 for the operation of the National Advocacy Center shall remain available until expended: *Provided further*, That the fourth proviso under the heading ''Salaries and Expenses, United States Attorneys'' in title I of H.R. 3421 of the 106th Congress, as enacted by section 1000(a)(1) of Public Law 106–113 shall apply to amounts made available under this heading for fiscal year 2002: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 9,539 positions and 9,607 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), $154,044,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, $154,044,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year 2002 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,130,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service, including the acquisition, lease, maintenance, and operation of vehicles, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, $644,746,000; of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system shall remain available until expended.

In addition, for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, $18,145,000, to remain available until expended.

CONSTRUCTION

For planning, constructing, renovating, equipping, and maintaining United States Marshals Service prisoner-holding space in United States courthouses and Federal buildings, including the renovation and expansion of prisoner movement areas, elevators, and sallyports, $25,812,000, to remain available until expended.

JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM FUND, UNITED STATES MARSHALS SERVICE

For necessary expenses to procure replacement aircraft, $53,050,000, to remain available until expended, shall be available only for the purchase of two long-range, wide body aircraft.

FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service, but not including expenses otherwise provided for in appropriations available to the Attorney General, $724,682,000, to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $156,145,000, to remain available until expended; of which not to exceed $6,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $5,000,000 may be made available for the purchase, installation, and maintenance of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $9,269,000 and, in addition, up to $1,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, $22,949,000, to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $1,996,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund of claims covered by the Radiation Exposure Compensation Act as in effect on June 1, 2000, $10,776,000.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $336,966,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,354 passenger motor vehicles, of which 1,190 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, $3,425,041,000; of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 2003; of which not less than $485,278,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations: *Provided*, That not to exceed $45,000 shall be available for official reception and representation expenses: *Provided further*, That of the amount made available under this heading, $53,000 shall be available only to reimburse Acadian Ambulance & Air Med Services for costs incurred during the December 1999 prison riot in St. Martin Parish Correctional Center, St. Martin Parish, Louisiana.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $44,074,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of,

the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,477 passenger motor vehicles, of which 1,354 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft, $1,489,779,000; of which $33,000,000 for permanent change of station shall remain available until September 30, 2003; of which not to exceed $1,800,000 for research shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 2003; of which not to exceed $50,000 shall be available for official reception and representation expenses.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not less than 3,165 passenger motor vehicles, of which not less than 2,211 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; for protecting and maintaining the integrity of the borders of the United States including, without limitation, equipping, maintaining, and making improvements to the infrastructure; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility, $3,176,037,000; of which not to exceed $400,000 for research shall remain available until expended; of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training; of which not to exceed $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; of which not to exceed $5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: *Provided,* That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $1,153 per pay period during the calendar year beginning January 1, 2002: *Provided further,* That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further,* That not to exceed $45,000 shall be available for official reception and representation expenses: *Provided further,* That not to exceed 30 permanent positions and 30 full-time equivalent workyears and not to exceed $4,300,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further,* That the latter two aforementioned offices shall be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis, or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis and such augmentation may not exceed 10 full-time equivalent workyears.

CONSTRUCTION

For planning, purchase of construction vehicles, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $205,015,000, to remain available until expended, of which $3,000,000 shall be available only to comply with Occupational Safety and Health Administration programs.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 685, of which 610 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $3,786,228,000: *Provided,* That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further,* That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of FPS, furnish health services to individuals committed to the custody of FPS: *Provided further,* That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further,* That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2003: *Provided further,* That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: *Provided further,* That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $899,797,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided,* That labor of United States prisoners may be used for work performed under this appropriation: *Provided further,* That, of the amount made available under this heading, $66,524,000, to remain available until expended, shall be transferred to, and merged with, funds in the ''Immigration and Naturalization Service, Construction'' appropriations account, to be available only for the construction of detention facilities: *Provided further,* That not to exceed 10 percent of the funds appropriated to ''Buildings and Facilities'' in this or any other Act may be transferred to ''Salaries and Expenses'', Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (''the 1968 Act''), and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, $200,738,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Public Law 102–534 (106 Stat. 3524).

In addition, for grants, cooperative agreements, and other assistance authorized by sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996 and for other counterterrorism programs, $364,000,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (''the 1968 Act''); and the Victims of Child Abuse Act of 1990, as amended (''the 1990 Act''), $2,089,990,000 (including amounts for administrative costs, which shall be transferred to

and merged with the ''Justice Assistance'' account), to remain available until expended as follows:

(1) $400,000,000 for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, Guam shall be considered a ''State'', the Commonwealth of Puerto Rico shall be considered a ''unit of local government'' as well as a ''State'', for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: *Provided*, That no funds provided under this heading may be used as matching funds for any other Federal grant program, of which:

(a) $80,000,000 shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: *Provided*, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers, and

(b) $19,956,000 shall be available for grants, contracts, and other assistance to carry out section 102(c) of H.R. 728;

(2) $265,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended;

(3) $35,000,000 shall be available for the Cooperative Agreement Program;

(4) $35,191,000 shall be available for grants under section 20109(a)(2) of subtitle A of title II of the 1994 Act;

(5) $7,982,000 for the Tribal Courts Initiative;

(6) $578,125,000 for programs authorized by part E of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act, of which $78,125,000 shall be for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs;

(7) $11,975,000 for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act;

(8) $2,296,000 for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act;

(9) $184,937,000 for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, of which:

(a) $1,000,000 shall be for the Bureau of Justice Statistics for grants, contracts, and other assistance for domestic violence federal case processing study,

(b) $5,200,000 shall be for the National Institute of Justice for grants, contracts, and other assistance for research and evaluation of violence against women, and

(c) $10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, to be administered as authorized by part C of the Juvenile Justice and Delinquency Act of 1974, as amended;

(10) $64,925,000 for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act;

(11) $39,945,000 for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act;

(12) $4,989,000 for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act, and for local demonstration projects;

(13) $998,000 for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act;

(14) $3,000,000 for grants to States and units of local government to improve the process for entering data regarding stalking and domestic violence into local, State, and national crime information databases, as authorized by section 40602 of the 1994 Act;

(15) $10,000,000 for grants to reduce Violent Crimes Against Women on Campus, as authorized by section 1108(a) of Public Law 106–386;

(16) $40,000,000 for Legal Assistance for Victims, as authorized by section 1201 of Public Law 106–386;

(17) $5,000,000 for enhancing protection for older and disabled women from domestic violence and sexual assault as authorized by section 40801 of the 1994 Act;

(18) $15,000,000 for the Safe Havens for Children Pilot Program as authorized by section 1301 of Public Law 106–386;

(19) $7,500,000 for Education and Training to end violence against and abuse of women with disabilities, as authorized by section 1402 of Public Law 106–386;

(20) $68,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act: *Provided*, That States that have in-prison drug treatment programs, in compliance with Federal requirements, may use their residential substance abuse grants funds for treatment, both during incarceration and after release;

(21) $4,989,000 for demonstration grants on alcohol and crime in Indian Country;

(22) $898,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(23) $50,000,000 for Drug Courts, as authorized by title V of the 1994 Act;

(24) $1,497,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act;

(25) $1,995,000 for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act;

(26) $249,450,000 for Juvenile Accountability Incentive Block Grants except that such funds shall be subject to the same terms and conditions as set forth in the provisions under this heading for this program in Public Law 105–119, but all references in such provisions to 1998 shall be deemed to refer instead to 2002, and Guam shall be considered a ''State'' for the purposes of title III of H.R. 3, as passed by the House of Representatives on May 8, 1997; and

(27) $1,298,000 for the Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act:

Provided, That funds made available in fiscal year 2002 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: *Provided further*, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement ''Weed and Seed'' program activities, $58,925,000, to remain available until expended, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government, engaged in the investigation and prosecution of violent crimes and drug offenses in ''Weed and Seed'' designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the ''Weed and Seed'' program strategy: *Provided*, That funds designated by Congress through language for other Department of Justice appropriation accounts for ''Weed and Seed'' program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of ''Weed and Seed'' program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 (''the 1994 Act'') (including administrative costs), $1,019,874,000, to remain available until expended; of which $150,962,000 shall be available to the Office of Justice Programs to carry out section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which $35,000,000 is for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which $35,000,000 is for DNA testing as authorized by the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106–546), of which $35,000,000 is for the State and local DNA laboratories as authorized by section 1001(a)(22) of the 1968 Act, and improvements to the State and local forensic general science capabilities to reduce State and local DNA convicted offender sample backlog and for awards to State, local, and private laboratories, and of which $17,000,000 is for the National Institute of Justice for grants, contracts, and other agreements to develop school safety technologies and training; of which $510,524,000 is for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, of which $190,291,000 shall be available for the COPS hiring program, of which $180,000,000 shall be available for school resource officers, of which $31,315,000 shall be used to improve tribal law enforcement including equipment and training, of which $25,444,000 shall be used for the Matching Grant Program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''), as amended, of which $30,000,000 shall be used for Police Corps education, training, and service as set forth in sections 200101–200113 of the 1994 Act, and of which $20,662,000 shall be used to provide training and technical assistance; of which $155,467,000 shall be used for a law enforcement technology program, of which $7,202,000, to remain available until September 30, 2003, shall be transferred to, and merged with, funds in the Federal Bureau of Investigation, ''Salaries and Expenses'' appropriations account to be available only to maintain or establish not more than 4 regional computer forensic labs in affiliation with the Federal Bureau of Investigation Laboratory Division, of which $1,005,000, to remain available until September 30, 2003, shall be transferred to, and merged with, funds in the Federal Bureau of Investigation, ''Salaries and Expenses'' appropriations account to be available only to expand the Violent Criminal Apprehension Program to include sexual assault, of which

$350,000 shall be transferred to, and merged with, funds in the ''Salaries and Expenses'', General Legal Activities appropriations account to be available only for equipment to connect Interpol to the National Law Enforcement Telecommunications System, and of which $4,000,000, to remain available until September 30, 2003, shall be transferred to, and merged with, funds in the Federal Bureau of Investigation, ''Salaries and Expenses'' appropriations account to be available only to maintain or establish not more than 4 regional mitochondrial DNA forensic labs in affiliation with the Federal Bureau of Investigation Laboratory Division; of which $48,393,000 shall be used for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in drug ''hot spots''; of which $99,780,000 for a prosecution assistance program to reimburse State, county, parish, or municipal governments only for Federal costs associated with the prosecution of criminal cases declined by local U.S. Attorneys' offices, of which $49,780,000 shall be for a national program to reduce gun violence, and of which $50,000,000 shall be for the Southwest Border Prosecutor Initiative; of which $16,963,000 shall be for a police integrity program; of which $22,851,000 is for the Safe Schools Initiative; and of which $14,934,000 shall be for an offender re-entry program: *Provided*, That of the amount provided for Public Safety and Community Policing Grants, not to exceed $32,812,000 shall be expended for program management and administration: *Provided further*, That of the prior year balances available in this program, $46,000,000 shall be available for the direct hiring of law enforcement officers through the Universal Hiring Program: *Provided further*, That Section 1703(b) and (c) of the 1968 Act shall not apply to non-hiring grants made pursuant to part Q of title I thereof (42 U.S.C. 3796 d.d. et seq.).

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, (''the Act''), including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $320,026,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which: (1) notwithstanding any other provision of law, $6,847,000 shall be available for expenses authorized by part A of title II of the Act, $88,804,000 shall be available for expenses authorized by part B of title II of the Act, and $55,691,000 shall be available for expenses authorized by part C of title II of the Act: *Provided*, That $26,442,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than 1 year after date of application) policies and programs, that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) $11,974,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $9,978,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $15,965,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $130,767,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs; of which $12,472,000 shall be for delinquency prevention, control, and system improvement programs for tribal youth; of which $25,000,000 shall be available for grants of $360,000 to each State and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training; and of which $15,000,000 shall be available for the Safe Schools Initiative: *Provided further*, That of amounts made available under the Juvenile Justice Programs of the Office of Justice Programs to carry out part B (relating to Federal Assistance for State and Local Programs), subpart II of part C (relating to Special Emphasis Prevention and Treatment Programs), part D (relating to Gang-Free Schools and Communities and Community-Based Gang Intervention), part E (relating to State Challenge Activities), and part G (relating to Mentoring) of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, and to carry out the At-Risk Children's Program under title V of that Act, not more than 10 percent of each such amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized under the appropriate part or title, and not more than 2 percent of each such amount may be used for training and technical assistance activities designed to benefit the programs or activities authorized under that part or title.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $8,481,000, to remain available until expended, as authorized by section 214B of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and $2,395,000, to remain available until expended for payments as authorized by section 1201(b) of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Section 124 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as contained in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, is repealed.

SEC. 103. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: *Provided*, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 104. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 105. Section 286(q)(1)(A) of the Immigration and Nationality Act of 1953, as amended, is further amended by striking ''6'' and inserting ''96''.

SEC. 106. Notwithstanding any other provision of law, $1,000,000 shall be available for technical assistance from the funds appropriated for part G of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

SEC. 107. Section 11231 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33, is amended—

(1) in the catchline of paragraphs (a)(1) and (2), by striking ''of Parole Commission'';

(2) in subsections (a) and (c), by replacing ''United States Parole Commission'' and ''Parole Commission'', each place they currently appear, with ''agency established under section 11233'';

(3) in paragraph (a)(1), by replacing ''one year after date of enactment of this Act'' with ''September 30, 2002'', by replacing ''Board of Parole of the District of Columbia'' with ''United States Parole Commission'', by striking ''exclusive'', and by replacing all the matter from ''felons,'' to the period, inclusive, with ''felons.'';

(4) by replacing all the matter after the catchline of paragraph (a)(2) with ''Not later than September 30, 2002, the agency established under section 11233 shall assume all powers, duties, and jurisdiction transferred to the United States Parole Commission by this paragraph as in effect on January 1, 2001.''; and

(5) in subsection (c), by replacing all the matter from ''Columbia,'' to the period, inclusive, with ''Columbia.''.

SEC. 108. In instances where the Attorney General determines that law enforcement-, security-, or mission-related considerations mitigate against obtaining maintenance or repair services from private sector entities for equipment under warranty, the Attorney General is authorized to seek reimbursement from such entities for warranty work performed at Department of Justice facilities and, notwithstanding any other provision of law, to credit any payment made for such work to any appropriation charged therefore.

SEC. 109. Section 286(e)(1) of the Immigration and Nationality Act (8 U.S.C. 1356(e)(1)) is amended to read as follows:

''(1)(A) Except as provided in subparagraph (B), the Attorney General is authorized to charge and collect a fee in the amount of $3 for each individual with respect to whom immigration inspection services or preinspection services are provided in connection with the arrival in the United States of the individual as a passenger on a commercial vessel, if the passenger's journey originated in any of the following:

''(i) Mexico.

''(ii) Canada.

''(iii) A State, territory, or possession of the United States.

''(iv) Any adjacent island (within the meaning of section 101(b)(5)).

''(B) The authority of subparagraph (A) does not apply to immigration inspection services or preinspection services provided at a designated port of entry in connection with

the arrival of a passenger by means of a Great Lakes international ferry, or by means of any vessel that transits the Great Lakes or its connecting waterways, if the ferry or other vessel operates on a regular schedule.''.

SEC. 110. Section 245(i) of the Immigration and Nationality Act (8 U.S.C. 1255(i)) is amended—

(1) in paragraph (1), by amending the first sentence to read as follows: ''Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States who—

''(A) entered the United States without inspection; or

''(B) is within one of the classes enumerated in subsection (c) of this section, may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence.''; and

(2) by amending paragraph (3)(B) to read as follows:

''(B) One-half of any remaining portion of such fees remitted under such paragraphs shall be deposited by the Attorney General into the Immigration Examination Fee Account established under section 286(m), and one-half of any remaining portion of such fees shall be deposited by the Attorney General into the Breached Bond/Detention Fund established under section 286(r).''.

SEC. 111. Section 1402(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(3)), is amended by striking the period at the end and inserting '', and for a Victim Notification System.''.

This title may be cited as the ''Department of Justice Appropriations Act, 2002''.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and employment of experts and consultants as authorized by 5 U.S.C. 3109, $30,097,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $98,000 shall be available for official reception and representation expenses.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $49,386,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $347,090,000, to remain available until expended, of which $3,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That $66,820,000 shall be for Trade Development, $27,441,000 shall be for Market Access and Compliance, $42,859,000 shall be for the Import Administration, $193,824,000 shall be for the United States and Foreign Commercial Service, and $13,146,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $68,893,000, to remain available until expended, of which $7,250,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and for trade adjustment assistance, $341,000,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $30,557,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $28,381,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $62,515,000, to remain available until September 30, 2003.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $168,561,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, $348,529,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $14,054,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $43,466,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed $2,358,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended,

$15,503,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided,* That not to exceed $3,097,000 shall be available for program administration and other support activities as authorized by section 391: *Provided further,* That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further,* That, notwithstanding the requirements of sections 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: *Provided further,* That notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $856,701,000, to remain available until expended, which amount shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: *Provided,* That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in fiscal year 2002 appropriation from the general fund estimated at $0: *Provided further,* That during fiscal year 2002, should the total amount of offsetting fee collections be less than $856,701,000, the total amounts available to the United States Patent and Trademark Office shall be reduced accordingly: *Provided further,* That an additional amount not to exceed $282,300,000 from fees collected in prior fiscal years shall be available for obligation in fiscal year 2002, to remain available until expended: *Provided further,* That from amounts provided herein, not to exceed $5,000 shall be made available in fiscal year 2002 for official reception and representation expenses.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $8,238,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $343,296,000, to remain available until expended, of which not to exceed $282,000 may be transferred to the ''Working Capital Fund''.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $105,137,000, to remain available until expended: *Provided,* That the Secretary of Commerce is authorized to enter into agreements with one or more nonprofit organizations for the purpose of carrying out collective research and development initiatives pertaining to 15 U.S.C. 278k paragraph (a), and is authorized to seek and accept contributions from public and private sources to support these efforts as necessary.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $204,200,000, to remain available until expended, of which not to exceed $60,700,000 shall be available for the award of new grants.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $43,893,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i, $2,267,705,000, to remain available until expended: *Provided,* That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further,* That in addition, $68,000,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': *Provided further,* That in addition, not to exceed $3,000,000 shall be derived by transfer from the fund entitled ''Coastal Zone Management'': *Provided further,* That of the amounts made available to the National Marine Fisheries Service, not less than $29,000,000 shall be for Alaskan Steller sea lion research: *Provided further,* That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000: *Provided further,* That of the amount provided under this heading, for expenses necessary to carry out ''NOAA Operations, Research and Facilities sub-category'' in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, $33,650,000 to remain available until expended, for the purposes of discretionary spending limits: *Provided further,* That not to exceed $54,255,000 shall be expended for Executive Direction and Administration, which consists of the Offices of the Undersecretary, the Executive Secretariat, Policy and Strategic Planning, International Affairs, Legislative Affairs, Public Affairs, Sustainable Development, the Chief Scientist, and the General Counsel: *Provided further,* That the aforementioned offices, excluding the Office of the General Counsel, shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis above the level of 42 personnel: *Provided further,* That of the amount provided to the National Marine Fisheries Service, a total of $6,000,000 shall be provided to the National Oceanic and Atmospheric Administration Office of General Counsel: *Provided further,* That the National Marine Fisheries Service shall be obligated for payment of all fisheries-related reimbursable work performed by the National Oceanic and Atmospheric Administration Office of General Counsel: *Provided further,* That the Secretary may proceed as he deems necessary to have the National Oceanic and Atmospheric Administration occupy and operate its research facilities which are located at Lafayette, Louisiana: *Provided further,* That the R/V FAIRWEATHER shall be homeported in Ketchikan, Alaska: *Provided further,* That no general administrative charge shall be applied against an assigned activity included in this Act and, further, that any direct administrative expenses applied against an assigned activity shall be limited to 5 percent of the funds provided for that assigned activity: *Provided further,* That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

In addition, there is hereby established the Business Management Fund of the National Oceanic and Atmospheric Administration, which shall be available without fiscal year limitation for expense and equipment necessary for the maintenance and operations of such services and projects as the Administrator of the National Oceanic and Atmospheric Administration determines may be performed more advantageously when centralized: *Provided,* That such central services shall, to the fullest extent practicable, be used to make unnecessary the maintenance of separate like services in the divisions and offices of the National Oceanic and Atmospheric Administration: *Provided further,* That a separate schedule of expenditures and reimbursements, and a statement of the current assets and liabilities of the Business Management Fund as of the close of the completed fiscal year, shall be prepared each year and submitted to Congress: *Provided further,* That notwithstanding 31 U.S.C. 3302, the Business Management Fund may be credited with advances and reimbursements from applicable appropriations of the National Oceanic and Atmospheric Administration and from funds of other agencies or entities for services furnished pursuant to law: *Provided further,* That any inventories, equipment, systems, real property and other assets over $25,000, pertaining to the services to be provided by such funds, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made hereafter for the purpose of providing capital, shall be used to capitalize the Business Management Fund: *Provided further,* That the National Oceanic and Atmospheric Administration Business Management Fund shall be authorized to create an initial cash corpus of $5,000,000 from deobligations and continued funding as may be or become available from deobligations: *Provided further,* That the Business Management Fund shall provide for centralized services at rates which return in full all expenses of operation and services, including depreciation or full overhead costs of fund plant and equipment, plus an amount equal to projected inflation, amortization of automated data processing software and hardware systems, and an

amount not to exceed four percent necessary to maintain an operating level in the fund as determined by the Administrator: *Provided further*, That full implementation of the Business Management Fund will be phased in over a period not less than three years nor more than five fiscal years.

There is hereby established the following organizational structure for the Business Management Fund of the National Oceanic and Atmospheric Administration: *Provided*, That the overall responsibility for the National Oceanic and Atmospheric Administration Business Management Fund lies with the Administrator of the National Oceanic and Atmospheric Administration: *Provided further*, That general management of the National Oceanic and Atmospheric Administration's Business Management Fund may be delegated by the Administrator to the Chief Financial Officer/Chief Administrative Officer of the National Oceanic and Atmospheric Administration.

PROCUREMENT, ACQUISITION AND CONSTRUCTION (INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $939,610,000, to remain available until expended: *Provided*, That unexpended balances of amounts previously made available in the ''Operations, Research, and Facilities'' account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated: *Provided further*, That of the amount provided under this heading for expenses necessary to carry out the ''NOAA Procurement, Acquisition, and Construction sub-category'' in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, the Coastal and Estuarine Land Conservation Program, $83,410,000 to remain available until expended, and to be for conservation spending category activities pursuant to Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: *Provided further*, That of the above amounts, $60,000,000 shall be for the ''Coastal and Estuarine Land Conservation Program'': *Provided further*, That none of the funds provided in this Act or any other Act under the heading ''National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction'' shall be used to fund the General Services Administration's standard construction and tenant build-out costs of a facility at the Suitland Federal Center.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses to carry out the ''NOAA Pacific Coastal Salmon Recovery sub-category'' in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, the Endangered Species Act-Pacific Salmon Recovery, the Columbia River Hatcheries, the Columbia River Facilities, Pacific Salmon Treaty Implementation, $133,940,000, to remain available until expended, and to be for conservation spending category activities pursuant to Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $3,000,000 shall be transferred to the Operations, Research, and Facilities account to offset the costs of implementing such Act.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $952,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), and the American Fisheries Promotion Act (Public Law 96–561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $191,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, $287,000, as authorized by the Merchant Marine Act of 1936, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $8,000 for official entertainment, $42,062,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11, as amended by Public Law 100–504), $21,176,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 205. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 207. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103–356: *Provided*, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: *Provided further*, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further*, That such fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2002 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of department financial management, ADP, and other support systems: *Provided further*, That such amounts retained in the fund for fiscal year 2002 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: *Provided further*, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103–356.

SEC. 208. Notwithstanding any other provision of law, of the amounts made available elsewhere in this title to the ''National Institute of Standards and Technology, Construction of Research Facilities'', $5,000,000 is appropriated to fund a cooperative agreement with the Medical University of South Carolina, $6,000,000 is appropriated to the Thayer School of Engineering for the nanocrystalline materials and biomass research initiative, $3,000,000 is appropriated to the Institute for Information Infrastructure Protection at the Institute for Security Technology Studies, and $4,000,000 is appropriated for the Institute for Politics.

SEC. 209. (a) Notwithstanding any other provision of law, the total amount of funds that may be transferred into the ''Working Capital Fund'' in fiscal year 2002, or in any fiscal year thereafter, may not exceed $117,000,000.

(b) All transfers of funds to or from the Working Capital Fund in fiscal year 2002 and any fiscal year thereafter shall be subject to section 605, without regard to the amount of the reprogramming or the purpose of the funds so reprogrammed.

(c) Of the amounts available under this section for salaries of the staff of the Department of Commerce, the amount obligated for that purpose before December 15, 2001, may not exceed $29,250,000.

(d)(1) Not later than December 15, 2001, the Secretary of Commerce shall submit to the Committees on Appropriations of the Senate and House of Representatives a report setting forth the proposed disbursements from the Working Capital Fund during fiscal year 2002.

(2) Of the proposed disbursements in the report under paragraph (1)—

(A) not more than $40,000,000 of the proposed disbursements may be for the Commerce Administrative Management System; and

(B) not more than $15,000,000 of the proposed disbursements for that System may be from or attributable to the National Oceanic and Atmospheric Administration.

(3) Disbursements from the Working Capital Fund in fiscal year 2002 may not be made until 15 days after the date on which the report is submitted under paragraph (1).

(4) Any modification of a proposed disbursement from the Working Capital Fund previously specified in the report under paragraph (1) shall be treated as a reprogramming of funds to which section 605 applies, without regard to the amount of the modification or the purpose of the disbursement, as so modified.

(5)(A) If a disbursement from the Working Capital Fund in fiscal year 2002 will require any bureau or organization in the Department of Commerce to incur costs not previously specified in the report under paragraph (1), the disbursement may not be made until 15 days after the date on which such bureau or organization submits to the Committees on Appropriations of the Senate and House of Representatives a Memorandum of Agreement providing for such bureau or organization to incur such costs.

(B) Each Memorandum of Agreement under this paragraph shall specify the provision of statute providing authority for the disbursement concerned.

(e) Amounts in the ''Advances and Reimbursements'' account may not be used to assess or collect costs or charges against or from any bureau or organization of the Department of Commerce unless the costs or charges are incurred for a project has been approved as a request for reprogramming under section 605.

This title may be cited as the ''Department of Commerce and Related Agencies Appropriations Act, 2002''.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $39,988,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $7,530,000, of which $4,460,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $19,372,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $13,054,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $3,559,012,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects: *Provided,* That, of the amount made available under this heading, $33,000, shall be transferred to, and merged with, funds in the ''Salaries and Expenses, United States Marshals Service'' appropriations account in title I of the Act, to be available only for court operations in Lander, Wyoming.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,692,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), $463,756,000, of which $257,710,000 is for federal defender organizations, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $50,131,000, to remain available until expended: *Provided,* That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of mail and packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $209,762,000, of which not to exceed $10,000,000 shall remain available until expended for security systems and contract costs for court security officers, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General: *Provided*, That, of the amount made available under this heading, $3,580,000, to remain available until expended, shall be transferred to, and merged with, funds in the ''Narrowband Communications'' appropriations account in title I of this Act, to be administered by the Department of Justice Wireless Management Office and to be available only for the conversion to narrowband communications and for the operations and maintenance of legacy radio systems.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $58,212,000, of which $3,000,000 shall only be available, by grant, for caption training, and of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $19,742,000; of which $1,800,000 shall remain available through September 30, 2003, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $26,700,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $8,400,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $1,900,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title

28, United States Code, $11,327,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and Other Judicial Services, Defender Services'' and ''Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'', shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Section 140 of Public Law 97–92 (28 U.S.C. 461 note; 95 Stat. 1200) shall apply to fiscal year 2002 and each fiscal year thereafter.

SEC. 305. Of the unexpended balances transferred to the Commission on Structural Alternatives in Federal Appellate Courts, $400,000 shall be transferred to, and merged with, funds in the ''Federal Judicial Center, Salaries and Expenses'' appropriations account to be available only for distance learning.

This title may be cited as this ''Judiciary Appropriations Act, 2002''.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $3,088,990,000: *Provided*, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the ''Emergencies in the Diplomatic and Consular Service'' appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That of the amount made available under this heading, $7,800,000 shall be available only to provide language, security, leadership and management, and professional training: *Provided further*, That of the amount made available under this heading, $6,000,000 to remain available until expended, shall be transferred to, and merged with, funds in the ''Narrowband Communications'' appropriations account in title I of this Act, to be administered by the Department of Justice Wireless Management Office and to be available only for the conversion to narrowband communications and for the operations and maintenance of legacy radio systems: *Provided further*, That of the amount made available under this heading, $694,190,000 shall be available only for information resource management: *Provided further*, That of the amount made available under this heading, $9,000,000 shall be available only for the East-West Center: *Provided further*, That, notwithstanding any other provision of law, not to exceed $335,000,000 of offsetting collections derived from fees collected under the authority of section 104(a)(1) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) during fiscal year 2002 shall be retained and used for authorized expenses in this appropriation and shall remain available until expended: *Provided further*, That any fees received in excess of $335,000,000 in fiscal year 2002 shall not be available for obligation and shall be returned to the General Fund: *Provided further*, That notwithstanding any other provision of law, a citizen of the United States approved by the Department of State to serve as Deputy Director General of the World Intellectual Property Organization shall, while serving in such position, be deemed an employee in a foreign area within the meaning of 5 U.S.C. Section 5923, and qualify for a living quarters allowance as authorized by 5 U.S.C. 5923(2): *Provided further*, That a citizen of the United States approved by the Department of State to serve as Deputy Director General of the World Intellectual Property Organization shall, while serving in such position, be deemed as an employee approved for transfer to an international organization within the meaning of 5 U.S.C. Section 352, and eligible to continue participating in the retirement, health benefit, group life insurance, and other benefit programs as provided in that section: *Provided further*, That advances for services authorized by 22 U.S.C. 3620(c) may be credited to this account, to remain available until expended for such services: *Provided further*, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China, unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action: *Provided further*, That of the amounts made available under this heading, $5,000,000 shall be available only for the reimbursement costs incurred by the State of Hawaii for security expenses relating to the May 2001 Asian Development Bank Meeting: *Provided further*, That of the amount made available under this heading, $45,419,000 shall only be available to implement the 1999 Pacific Salmon Treaty Agreement, of which $20,000,000 shall be deposited in the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund, of which $20,000,000 shall be deposited in the Southern Boundary Restoration and Enhancement Fund, and of which $5,419,000 shall be for a direct payment to the State of Washington for obligations under the 1999 Pacific Salmon Treaty Agreement.

In addition, not to exceed $1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, as amended; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs, and from fees from educational advising and counseling, and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, $409,363,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $210,000,000, to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $28,427,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $242,000,000, to remain available until expended: *Provided*, That not to exceed $800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and educational advising and counseling programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $9,000,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $10,000,000, to remain available until September 30, 2003.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Main State Building, and carrying out the Diplomatic Security Construction Program as authorized, $405,391,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction, $661,560,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $5,465,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to and

merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $612,000, as authorized: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $17,044,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $135,629,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,091,348,000: *Provided,* That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further,* That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: *Provided further,* That funds appropriated under this paragraph may be obligated and expended to pay the full United States assessment to the civil budget of the North Atlantic Treaty Organization.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $773,182,000, of which 15 percent shall remain available until September 30, 2003: *Provided,* That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $7,452,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $24,154,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $6,879,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $20,780,000: *Provided,* That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $8,000,000, to remain available until expended, as authorized.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2002, to remain available until expended: *Provided,* That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2002, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $14,000,000: *Provided,* That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $31,000,000, to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, $414,752,000, of which not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING TO CUBA

For necessary expenses to enable the Broadcasting Board of Governors to carry out broadcasting to Cuba, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $24,872,000, to remain available until expended.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $16,900,000, to remain available until expended, as authorized.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided,* That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. None of the funds made available in this Act may be used by the Department

of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 404. There is hereby enacted into law S. 787 of the 107th Congress (as introduced on April 26, 2001).

SEC. 405. Hereafter, none of the funds appropriated or otherwise made available for the United Nations may be used by the United Nations for the promulgation or enforcement of any treaty, resolution, or regulation authorizing the United Nations, or any of its specialized agencies or affiliated organizations, to tax any aspect of the Internet or international currency transactions.

SEC. 406. None of the funds appropriated or otherwise made available by this Act or any other Act for fiscal year 2002 or any fiscal year thereafter may be obligated or expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

SEC. 407. None of the funds appropriated or otherwise made available by this Act or any other Act for fiscal year 2002 or any fiscal year thereafter may be obligated or expended for the publication of any official Government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

SEC. 408. For the purposes of registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon request of the citizen, record the place of birth as Israel.

This title may be cited as the ''Department of State and Related Agency Appropriations Act, 2002''.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $98,700,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $89,054,000.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $100,000,000, to remain available until expended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,978,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided,* That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $489,000, as authorized by section 1303 of Public Law 99–83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,096,000: *Provided,* That not to exceed $50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON OCEAN POLICY

SALARIES AND EXPENSES

For the necessary expenses of the Commission on Ocean Policy, pursuant to Public Law 106–256, $2,500,000, to remain available until expended: *Provided,* That the Commission shall present to the Congress within 18 months of appointment its recommendations for a national ocean policy.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,432,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $500,000, to remain available until expended.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $33,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $310,406,000: *Provided,* That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $252,545,000, of which not to exceed $300,000 shall remain available until September 30, 2003, for research and policy studies: *Provided,* That $218,757,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation estimated at $29,788,000: *Provided further*, That any offsetting collections received in excess of $218,757,000 in fiscal year 2002 shall remain available until expended, but shall not be available for obligation until October 1, 2002.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, $17,450,000: *Provided,* That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $2,000 for official reception and representation expenses, $156,270,000: *Provided,* That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: *Provided further*, That, notwithstanding any other provision of law, not to exceed $156,270,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year 2002 appropriation from the general fund estimated at not more than $0, to remain available until expended: *Provided further*, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242; 105 Stat. 2282–2285).

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $329,300,000, of which $310,000,000 is

for basic field programs and required independent audits; $2,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $12,400,000 is for management and administration and $4,400,000 is for client self-help and information technology: *Provided,* That none of such funds for management and administration shall be obligated or expended for any program that is in addition to, or expanded from, the programs funded under this heading for fiscal year 2001, unless the Legal Services Corporation prepares a spending plan for such funds, and notifies the Committees on Appropriations of the House of Representatives and the Senate concerning the contents of the spending plan.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2001 and 2002, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,957,000.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

For necessary expenses of the National Veterans Business Development Corporation as authorized under section 33(a) of the Small Business Act, as amended, $4,000,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $109,500,000 from fees collected in fiscal year 2002 to remain available until expended, and from fees collected in fiscal year 2000, $404,547,000 to remain available until expended; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided,* That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections: *Provided further,* That fees collected as authorized by section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) for sales transacted on, and with respect to securities registered solely on, an exchange that is initially granted registration as a national securities exchange after February 24, 2000 shall be credited to this account as offsetting collections: *Provided further,* That for purposes of collections under section 31, a security shall not be deemed registered on a national securities exchange solely because that national securities exchange continues or extends unlisted trading privileges to that security.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 105–135, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $333,233,000: *Provided,* That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further,* That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: *Provided further,* That $88,000,000 shall be available to fund grants for performance in fiscal year 2002 or fiscal year 2003 as authorized by section 21 of the Small Business Act, as amended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $11,000,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $1,860,000, to be available until expended; and for the cost of guaranteed loans, $93,500,000, as authorized by 15 U.S.C. 631 note, of which $45,000,000 shall remain available until September 30, 2003: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That during fiscal year 2002, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed $3,750,000,000: *Provided further,* That during fiscal year 2002, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed $10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act: *Provided further,* That during fiscal year 2002, commitments to guarantee loans under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed $4,100,000,000.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $79,510,000, to remain available until expended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct loan program, $125,354,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which $500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which $115,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which $9,854,000 is for indirect administrative expenses: *Provided,* That any amount in excess of $9,854,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572; 106 Stat. 4515–4516), $14,850,000, to remain available until expended: *Provided,* That not to exceed $2,500 shall be available for official reception and representation expenses.

UNITED STATES-CANADA ALASKA RAIL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the ''United States-Canada Alaska Rail Commission'', as authorized by Title III of Public Law 106–520, $4,000,000.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. (a) The caption for section 504 of title 28, United States Code, is amended by replacing ''Attorney'' with ''Attorneys''.

(b) Section 504 of title 28, United States Code, is amended by inserting after ''General'' the following, ''and a Deputy Attorney General for Combating Domestic Terrorism''.

(c) There is established within the Department of Justice the position of Deputy Attorney General for Combating Domestic Terrorism, who shall be appointed by the President, by and with the advice and consent of the Senate.

(d) Subject to the authority of the Attorney General, the Deputy Attorney General for Combating Domestic Terrorism shall serve as the principal advisor to the Attorney General on, and, with the Deputy Director of the Federal Emergency Management Agency, serve as one of two key government officials responsible for domestic counterterrorism and antiterrorism policy.

(e) The Deputy Attorney General for Combating Terrorism together with the Deputy Director of the Federal Emergency Management Agency shall coordinate all functions of the Federal Government related to domestic counterterrorism and antiterrorism activities, including—

(1) the development of a National Strategy for Combating Domestic Terrorism that shall establish national policies, objectives, and priorities for preventing, preparing for, and responding to domestic terrorism within the United States;

(2) the coordination of the implementation of the National Strategy for Combating Domestic Terrorism by the departments and agencies of the Federal Government and by State and local entities with responsibilities for combating domestic terrorism; and

(3) the recommendation of changes in the organization and management of Federal departments and agencies and State and local entities engaged in combating domestic terrorism to the Congress, the President, the Vice President, the Attorney General, and the Director of the Federal Emergency Management Agency.

(f) Subject to the authority of the Attorney General, the Deputy Attorney General for Combating Domestic Terrorism shall be responsible for State and local preparedness for weapons of mass destruction, security classifications and clearances within the Department of Justice, and contingency operations within the Department of Justice.

(g) For necessary expenses of the Office of the Deputy Attorney General for Combating Domestic Terrorism, $23,000,000, to remain available until expended.

(h) Notwithstanding any other provision of law, all authorities, liabilities, funding, personnel, equipment, and real property associated with the Office of State and Local Domestic Preparedness Support, the National Domestic Preparedness Office, the Executive Office of National Security, and such components which relate to domestic counterterrorism and antiterrorism activities in the Office of Intelligence Policy and Review as are appropriate shall be transferred to the Deputy Attorney General for Combating Domestic Terrorism not later than 90 days after enactment of this Act.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. Section 286(d) of Public Law 82–414, as amended, is further amended—

(1) in subsection (d), by striking ''$6'' and inserting ''$7''; and

(2) in subsection (h), by adding at the end the following new paragraph:

''(3) Not less than nine percent of the total amounts deposited under this subsection in a fiscal year shall be available only to automate or otherwise improve the speed, accuracy, or security of the inspection process.''.

SEC. 607. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 608. Section 140 of Public Law 97–92 (28 U.S.C. 461 note; 95 Stat. 1200) is amended by adding at the end the following: ''This section shall apply to fiscal year 1981 and each fiscal year thereafter.''.

SEC. 609. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 610. None of the funds made available by this Act may be used for any United Nations undertaking when: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 611. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2002.

SEC. 612. Hereafter, none of the funds appropriated or otherwise made available to the Bureau of Prisons shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC–17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 613. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided,* That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 614. Hereafter, none of the funds appropriated or otherwise made available to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when such information or material is sexually explicit or features nudity.

SEC. 615. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as amended.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2002.

SEC. 616. None of the funds appropriated pursuant to this Act or any other provision of law may be used for: (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); and (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 617. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $576,462,000 shall not be available for obligation until the following fiscal year.

SEC. 618. Hereafter, none of the funds appropriated or otherwise made available to the Department of State and the Department of Justice shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the Secretary's determination under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Attorney General has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 619. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 620. Section 504(a)(16) of the Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (110 Stat. 1321–55; Public Law 104–134) is amended by striking beginning with '', except that'' through ''representation''.

SEC. 621. The requirements of section 312(a)(3) of the Magnuson-Stevens Fishery

Conservation and Management Act shall not apply to funds made available by section 2201 of Public Law 106–246.

SEC. 622. (a) Section 203(i) of the Act entitled ''An Act to approve a governing international agreement between the United States and the Republic of Poland, and for other purposes'', approved November 13, 1998, is amended by striking ''2001'' and inserting ''2006''.

(b) Section 203 of such Act, as amended by subsection (a), is further amended by adding at the end the following:

''(j) Not later than December 31, 2001, and every 2 years thereafter, the Pacific State Marine Fisheries Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report on the health and management of the Dungeness Crab fishery located off the coasts of the States of Washington, Oregon, and California.''.

TITLE VII—RESCISSIONS

DEPARTMENT OF STATE AND RELATED AGENCY

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(RESCISSION)

Of the unobligated balances available under this heading, $126,620,000 are rescinded.

This Act may be cited as the ''Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002.''

SA 1534. Mr. KENNEDY, submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5___. (a) Section 502 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119; 111 Stat. 2510) is amended—

(1) in subsection (a)(2), by striking subparagraph (C) and inserting the following:

''(C) subsection (a)(11) of such section 504 shall not be construed to prohibit a recipient from using funds derived from a source other than the Corporation to provide related legal assistance to—

''(i) an alien who has been battered or subjected to extreme cruelty, or who has been subjected to violence from which the alien is protected under the domestic violence laws (including criminal and civil domestic violence laws) or family violence laws of the jurisdiction in which the recipient is located; or

''(ii) an alien whose child has been battered or subjected to extreme cruelty, or whose child has been subjected to violence from which the child is protected under domestic or family violence laws described in clause (i), in a case in which the alien did not actively participate in such battery, cruelty, or violence.''; and

(2) in subsection (b)(2), by striking ''battery or cruelty'' and inserting ''battery, cruelty, or other domestic or family violence''.

(b) Any funds appropriated for the Legal Services Corporation for fiscal year 1999, 2000, or 2001 and remaining available on the date of enactment of this Act shall be subject to the terms and conditions set forth in section 502 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (as amended by subsection (a)), rather than section 502 of such Act (as in effect on the day before the date of enactment of this Act).

SA 1535. Mr. HOLLINGS (for himself and Mr. GREGG) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 91, line 15, before the ''.'', insert the following: '', of which $13,000,000 shall remain available until expended for capital improvements at the U.S. Merchant Marine Academy''.

On page 18, line 20, before the '':'', insert the following: '', of which $11,554,000 shall be available only for the activation of the facility at Atwater, California, and of which $13,323,000 shall be available only for the activation of the facility at Honolulu, Hawaii''.

On page 53, line 23, strike ''$54,255,000'' and insert ''$23,890,000''.

On page 55, starting on line 4, and finishing on line 5, strike ''provided under this heading in previous years'' and insert in lieu thereof ''in excess of $22,000,000''.

On page 53, starting on line 16 and continuing through line 18, strike ''for expenses necessary to carry out ''NOAA Operations, Research and Facilities sub-category'' '' and insert in lieu thereof ''for conservation activities defined''.

On page 58, starting on line 7 and ending on line 8, strike ''the ''NOAA Procurement, Acquisition, and Construction sub-category'' '' and insert in lieu thereof ''conservation activities defined''.

On page 58, line 10, after ''amended'', insert ''including funds for''.

On page 58, strike all after ''expended'' on line 12 through ''limits'' on line 16.

On page 58, line 16, after ''That'', insert the following: '', notwithstanding any other provision of law,''.

On page 58, line 17, strike ''for'' and insert in lieu thereof ''used to initiate''.

On page 58, line 18, insert before the '':'', the following: '', for which there shall be no matching requirement''.

On page 59, starting on line 2 and ending on line 3, strike '' ''NOAA Pacific Coastal Salmon Recovery sub-category'' '' and insert in lieu thereof ''conservation activities defined''.

On page 59, line 5, after the second '','', insert the following: ''including funds for''.

On page 59, line 9, strike all after ''expended'' through ''limits'' on line 13.

On page 65, line 13, after ''funds'', insert the following: '', functions, or personnel''.

On page 66, line 5, strike ''$40,000,000'' and insert ''7,000,000''.

On page 66, line 7, before the '';'', insert the following: ''or support for the Commerce Administrative Management System Support Center''.

On page 66, line 8, after the ''(B)'', strike ''not more than $15,000,000'' and insert in lieu thereof ''None''.

On page 67, after line 15, insert the following new subsection:

''(f) The Office of Management and Budget shall issue a quarterly Apportionment and Reapportionment Schedule, and a Standard Form 133, for the Working Capital Fund and the ''Advances and Reimbursements'' account based upon the report required by subsection (d)(1).''.

On page 75, after line 11, insert the following new section:

''SEC. 306. Pursuant to section 140 of Public Law 97–92, Justices and judges of the United States are authorized during fiscal year 2002, to receive a salary adjustment in accordance with 28 U.S.C. 461: *Provided*, That $8,625,000 is appropriated for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in title III of this Act.''.

On page 42, line 21, strike ''$49,386,000'' and insert ''$51,440,000''.

Strike section 107 and renumber sections 108–111 as ''107–110''.

On page 102, line 20, strike ''$3,750,000,000'' and insert ''$4,500,000,000, as provided under section 20(h)(1)(B)(ii) of the Small Business Act''.

On page 103, line 1, after ''loans'', insert ''for debentures and participating securities''.

On page 103, line 3, strike ''$4,100,000'', and insert ''the levels established by section 200(h)(1)(C) of the Small Business Act''.

On page 105, line 5, before the '','', insert the following: '', to remain available until expended''.

On page 104, line 24, strike ''$14,850,000 and insert $6,225,000''.

On page 10, line 18, strike ''$724,682,000'' and insert ''$712,682,000''.

SA 1536. Mr. CRAIG (for himself, Mr. MILLER, Mr. HELMS, Mr. SMITH of New Hampshire, Mr. ALLEN, Mr. CRAPO, Mr. LOTT, Mr. NICKLES, Mr. SANTORUM, Mr. BENNETT, Mr. ALLARD, Mr. KYL, Mr. BOND, and Mr. INHOFE) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice and State, the Judiciary, and related agencies of the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VI, add the following:

SEC. 623. (a) 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 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) 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.

(4) Members of the Armed Forces of the United States deserve the full protection of the United States Constitution wherever 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 United Nations officials under procedures that deny them their constitutional rights.

(5) 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 for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression.

(6) The claimed jurisdiction of the International Criminal Court over citizens of a country that is not a state party to the Rome Statute is a threat to the sovereignty of the United States under the Constitution of the United States.

(b) PROHIBITION.—None of the funds appropriated or otherwise made available by this Act shall be available for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission. This subsection shall not be construed to apply to any other entity outside the Rome treaty.

SA 1537. Mr. CRAIG proposed an amendment to amendment SA 1536 proposed by Mr. CRAIG to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Strike line 2 and all that follows, and insert the following:

SEC. 623. None of the funds appropriated or otherwise made available by this Act shall be available for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission. This subsection shall not be construed to apply to any other entity outside the Rome treaty.

SA 1538. Mr. SMITH of New Hampshire (for himself, Mr. HARKIN, MR. WARNER, Mr. INHOFE, Mr. COCHRAN, Mr. ALLARD, Mr. CAMPBELL, and Mr. JOHNSON) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. . None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

SA 1539. Mr. WELLSTONE (for himself, Mr. HELMS, Mr. KOHL, Mr. FEINGOLD, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, between lines 22 and 23, insert the following:

SEC. 112. Section 6 of the Hmong Veterans' Naturalization Act of 2000 (Public Law 106–207; 8 U.S.C. 1423 note) (as amended by Public Law 106–415) is amended by striking ''18 months'' each place such term appears and inserting ''36 months''.

SA 1540. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, line 9, strike ''$341,000,000, to remain available until expended.'' and insert ''$345,000,000, to remain available until expended, of which $4,000,000 shall be made available to the North County Council to be used to provide assistance (such as a revolving loan fund for small businesses and, in coordination with local community colleges, job training) to the towns of Berlin and Gorham, New Hampshire and businesses and individuals that have been significantly affected by the closure of and layoffs at the American Tissue mills in Berlin and Gorham, New Hampshire.''.

On page 87, line 7, strike ''$31,000,000'' and insert ''$27,000,000''.

SA 1541. Mr. CRAIG (for himself, Mr. CRAPO, Mr. BENNETT, Mr. ALLEN, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Insert at the appropriate place the following:

SEC. . SENSE OF THE SENATE REGARDING THE REPUBLIC OF KOREA'S IMPROPER BAILOUT OF HYNIX SEMICONDUCTOR.

(a) FINDINGS.—Congress finds that—

(1) the Government of the Republic of Korea over many years has supplied aid to the Korean semiconductor industry enabling that industry to be the Republic of Korea's leading exporter;

(2) this assistance has occurred through a coordinated series of government programs and policies, consisting of preferential access to credit, low-interest loans, government grants, preferential tax programs, government inducement of private sector loans, tariff reductions, and other measures;

(3) in December 1997, the United States, the International Monetary Fund (IMF), other foreign government entities, and a group of international financial institutions assembled an unprecedented $58,000,000,000 financial package to prevent the Korean economy from declaring bankruptcy;

(4) as part of that rescue package, the Republic of Korea agreed to put an end to corporate cronyism, and to overhaul the banking and financial sectors;

(5) Korea also pledged to permit and require banks to run on market principles, to allow and enable bankruptcies and workouts to occur rather than bailouts, and to end subsidies;

(6) the Republic of Korea agreed to all of these provisions in the Stand-by Arrangement with the IMF dated December 3, 1997;

(7) section 602 of the Foreign Operations, Export Financing, and Related Agencies Appropriations Act, 1999, as enacted by section 101(d) of Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act (Public Law 105–277; 112 Stat. 2681–220) specified that the United States would not authorize further IMF payments to Korea unless the Secretary of the Treasury certified that the provisions of the IMF Standby Arrangement were adhered to;

(8) the Secretary of the Treasury certified to Congress on December 11, 1998, April 5, 1999, and July 2, 1999 that the Stand-by Arrangement was being adhered to, and assured Congress that consultations had been held with the Government of the Republic of Korea in connection with the certifications;

(9) the Republic of Korea has acceded to the World Trade Organization, and to the Agreement on Subsidies and Countervailing Measures (as defined in section 101(d)(12) of the Uruguay Round Agreements Act);

(10) the Agreement on Subsidies and Countervailing Measures specifically prohibits export subsidies, and makes actionable other subsidies bestowed upon a specific enterprise that causes adverse effects;

(11) Hynix Semiconductor is a major exporter of semiconductor products from the Republic of Korea to the United States; and

(12) The Republic of Korea has now engaged in a massive $5,000,000,000 bailout of Hynix Semiconductor which contravenes the commitments the Government of the Republic of Korea made to the IMF, the World Trade Organization and in other agreements, and the understandings and certifications made to Congress under the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999:

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

((1) The Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative should forthwith request consultations with the Republic of Korea under Article 4 and Article 7 of the Agreement on Subsidies and Countervailing Measures of the World Trade Organization, and take immediately such other actions as are necessary to assure that the improper bailout by the Republic of Korea is stopped, and its effects fully offset or reversed;

(2) the relationship between the United States and Republic of Korea has been and will continue to be harmed significantly by the bailout of a major exporter of products from Korea to the United States;

(3) the Republic of Korea should end immediately the bailout of Hynix Semiconductor;

(4) the Republic of Korea should comply immediately with its commitments to the IMF, with its trade agreements, and with the assurances it made to the Secretary of the Treasury; and

(5) the United States Trade Representative and the Secretary of Commerce should monitor and report to Congress on steps that have been taken to end this bailout and reverse its effects.

SA 1542. Mr. DORGAN (for himself and Mr. KERRY) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 44, line 1, strike ''$347,090,000'' and insert ''$357,090,000''.

On page 44, line 6, strike ''$27,441,000'' and insert ''$32,441,000''.

On page 44, line 7, strike ''$42,859,000'' and insert ''$47,859,000''.

On page 88, line 7, strike ''and television''.

On page 88, line 9, strike ''and television''.

On page 88, line 10, strike ''$24,872,000'' and insert ''$14,872,000''.

SA 1543. Mr. DORGAN proposed an amendment to the bill H.R. 2500, making appropriations for the Departments

of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON SALE OF DISASTER LOANS.

Notwithstanding any other provision of law, no amount made available under this Act may be used to sell any disaster loan authorized by section 7(b) of the Small Business Act (15 U.S.C. 636(b)) to any private company or other entity.

SA 1544. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 116, between lines 9 and 10, insert the following:

TITLE VIII—INFANT CRIB SAFETY

SEC. 801. SHORT TITLE.

This title may be cited as the ''Infant Crib Safety Act''.

SEC. 802. FINDINGS; PURPOSE.

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

(1) The disability and death of infants resulting from injuries sustained in crib incidents are a serious threat to the public health, welfare, and safety of people of this country.

(2) The design and construction of a baby crib must ensure that it is safe to leave an infant unattended for extended periods of time. A parent or caregiver has a right to believe that the crib in use is a safe place to leave an infant.

(3) Each year more than 12,000 children ages 2 and under are injured in cribs seriously enough to require hospital treatment.

(4) Each year at least 50 children ages 2 and under die from injuries sustained in cribs.

(5) The United States Consumer Product Safety Commission estimates that the cost to society resulting from deaths due to cribs is at least $225,000,000 per year.

(6) Secondhand, hand-me-down, and heirloom cribs pose a special problem. There are nearly 4 million infants born in this country each year, but only one million new cribs sold. As many as 2 out of 4 infants are placed in secondhand, hand-me-down, or heirloom cribs.

(7) Most crib deaths occur in secondhand, hand-me-down, or heirloom cribs.

(8) Existing State and Federal legislation is inadequate to deal with the hazard presented by secondhand, hand-me-down, or heirloom cribs.

(9) Prohibiting the contracting to sell, resell, lease, sublease of unsafe cribs that are not new, or otherwise place in the stream of commerce unsafe secondhand, hand-me-down, or heirloom cribs, will prevent injuries and deaths caused by cribs.

(b) PURPOSE.—The purpose of this title is to prevent the occurrence of injuries and deaths to infants as a result of unsafe cribs by making it illegal—

(1) to manufacture, sell, or contract to sell any crib that is unsafe for any infant using it; or

(2) to resell, lease, sublet, or otherwise place in the stream of commerce, after the effective date of this Act, any unsafe crib, particularly any unsafe secondhand, hand-me-down, or heirloom crib.

SEC. 803. DEFINITIONS.

As used in this title:

(1) COMMERCIAL USER.—The term ''commercial user'' means any person—

(A) who manufactures, sells, or contracts to sell full-size cribs or nonfull-size cribs; or

(B) who—

(i) deals in full-size or nonfull-size cribs that are not new or who otherwise by one's occupation holds oneself out as having knowledge or skill peculiar to full-size cribs or nonfull-size cribs, including child care facilities and family child care homes; or

(ii) is in the business of contracting to sell or resell, lease, sublet, or otherwise placing in the stream of commerce full-size cribs or nonfull-size cribs that are not new.

(2) CRIB.—The term ''crib'' means a full-size crib or nonfull-size crib.

(3) FULL-SIZE CRIB.—The term ''full-size crib'' means a full-size baby crib as defined in section 1508.1 of title 16 of the Code of Federal Regulations.

(4) INFANT.—The term ''infant'' means any person less than 35 inches tall or less than 2 years of age.

(5) NONFULL-SIZE CRIB.—The term ''nonfull-size crib'' means a nonfull-size baby crib as defined in section 1509.2(b) of title 16 of the Code of Federal Regulations (including a portable crib and a crib-pen described in paragraph (2) of subsection (b) of that section).

SEC. 804. PROHIBITIONS.

(a) IN GENERAL.—It shall be unlawful for any commercial user—

(1) to manufacture, sell, or contract to sell, any full-size crib or nonfull-size crib that is unsafe for any infant using it; or

(2) to sell, contract to sell or resell, lease, sublet, or otherwise place in the stream of commerce, any full-size or nonfull-size crib that is not new and that is unsafe for any infant using the crib.

(b) LODGINGS.—It shall be unlawful for any hotel, motel, or similar transient lodging facility to offer or provide for use or otherwise place in the stream of commerce, on or after the effective date of this title, any full-size crib or nonfull-size crib that is unsafe for any infant using it.

SEC. 805. CRIB STANDARDS.

A crib shall be presumed to be unsafe under this title if it does not conform to all of the following:

(1) Part 1508 (commencing with section 1508.1) of title 16 of the Code of Federal Regulations.

(2) Part 1509 (commencing with section 1509.1) of title 16 of the Code of Federal Regulations.

(3) Part 1303 (commencing with section 1303.1) of title 16 of the Code of Federal Regulations.

(4) American Society for Testing Materials Voluntary Standard F406.

(5) American Society for Testing Materials Voluntary Standards F966.

(6) American Society for Testing Materials Voluntary Standards F1169.

(7) American Society for Testing Materials Voluntary Standards F1822.

(8) Any regulations or standards that are adopted in order to amend or supplement the regulations described in paragraphs (1) through (7).

SEC. 806. EXCEPTIONS.

This title shall not apply to a full-size crib or nonfull-size crib that is not intended for use by an infant, including a toy or display item, if at the time it is manufactured, made subject to a contract to sell or resell, leased, sublet, or otherwise placed in the stream of commerce, as applicable, it is accompanied by a notice to be furnished by each commercial user declaring that the crib is not intended to be used for an infant and is dangerous to use for an infant.

SEC. 807. ENFORCEMENT.

(a) CIVIL PENALTY.—Any commercial user, hotel, motel, or similar transient lodging facility that knowingly violates section 804 is subject to a civil penalty not exceeding $1,000.

(b) INJUNCTION.—Any person may bring an action in a district court of the United States against any commercial user, hotel, motel, or similar transient lodging facility to enjoin any act or omission that violates section 804, and for reasonable attorneys fees and costs incurred in bringing the action.

SEC. 808. REMEDIES.

Penalties or other remedies available under this title are in addition to any other fines, penalties, remedies, or procedures under any other provision of law.

SEC. 809. EFFECTIVE DATE.

This title shall become effective 90 days after the date of the enactment of this Act.

SA 1545. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, line 20, after the colon insert the following: ''*Provided further*, That, of the amount appropriated under this heading, $67,000,000 shall be transferred to the Immigration Services and Infrastructure Improvements Account under section 204 of the Immigration Services and Infrastructure Improvements Act of 2000 (U.S.C. 1573), to be used for the same purposes for which funds in such account may be used and to remain available until expended:''.

SA 1546. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 5, after ''Act'' insert '', of which $250,000 shall be for a grant to the Rapid Response Program in Washington and Hancock Counties, Maine''.

SA 1547. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, line 9, before the period at the end, insert the following: '', of which $100,000 shall be used by the Secretary of Commerce to conduct a study, and, not later than 1 year after the date of enactment of this Act, submit to the Committee on Environment and Public Works of the Senate a report, on the need for and the feasibility of establishing an eco-industrial grant program''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on ''Improving Women's Health: Why Contraceptive Insurance Coverage Matters'' during the session of the Senate on Monday, September 10, 2001, at 3 p.m.

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

SPECIAL COMMITTEE ON AGING

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Monday, September 10, 2001, from 10 a.m.-12:30 p.m. in Dirksen 215 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND NUCLEAR SAFETY

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Transportation, Infrastructure, and Nuclear Safety be authorized to meet on Monday, September 10, 2001, at 3:30 p.m. to conduct a hearing on the Intelligent Transportation Systems Program. The hearing will be held in room SD–406.

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

PRIVILEGES OF THE FLOOR

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the following staff be granted floor privileges during the consideration of H.R. 2500, the Commerce, Justice, State, and the Judiciary appropriations bill: Lila Helms, Luke Nachbar, Dereck Orr, Jill Shaprio Long, Jim Morhard, Kevin Linskey, Katherine Hennessey, Nancy Perkins, and Ashley Cooper.

The PRESIDING OFFICER. The Chair hears none, and it is so ordered.

Mr. DORGAN. I ask unanimous consent that Mark Zaineddin, a legislative fellow of the Department of Commerce, be granted the privilege of the floor during debate on my amendment.

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

ORDERS FOR TUESDAY, SEPTEMBER 11, 2001

Mr. REID. Mr. President, I ask unanimous consent when the Senate completes its business today it adjourn until the hour of 10 a.m. on Tuesday, September 11. I further ask unanimous consent that on Tuesday, 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 resume consideration of the Commerce, State, Justice Appropriations Act; further, that the Senate recess from 12:30 until 2:15 p.m. for our weekly party conferences.

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

PROGRAM

Mr. REID. Mr. President, on Tuesday, the Senate will convene at 10 a.m. and resume consideration of the Commerce, State, Justice act. We hope we can have a time certain for filing of amendments. We hope to complete the bill tomorrow. There will be rollcall votes throughout the day. The Senate will recess from 12:30 a.m. until 2:15 p.m. for our party conferences.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:38 p.m., adjourned until Tuesday, September 11, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 10, 2001:

THE JUDICIARY

THOMAS B. WELLS, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM EXPIRING FIFTEEN YEARS AFTER HE TAKES OFFICE. (REAPPOINTMENT)

DEPARTMENT OF STATE

ROCKWELL A. SCHNABEL, OF CALIFORNIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

JOHN STERN WOLF, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (NON-PROLIFERATION), VICE ROBERT J. EINHORN.

AFRICAN DEVELOPMENT BANK

CYNTHIA SHEPARD PERRY, OF TEXAS, TO BE UNITED STATES DIRECTOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS, VICE WILLENE A. JOHNSON, RESIGNED.

THE JUDICIARY

ROBERT E. BLACKBURN, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE ZITA L. WEINSHIENK, RETIRED.

DAVID C. BURY, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE A NEW POSITION CREATED BY PUBLIC LAW 106–553, APPROVED DECEMBER 21, 2000.

CINDY K. JORGENSON, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE A NEW POSITION CREATED BY PUBLIC LAW 106–116, APPROVED NOVEMBER 29, 1999.

MARCIA S. KRIEGER, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE DANIEL B. SPARR, RETIRED.

RICHARD J. LEON, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE NORMA HOLLOWAY JOHNSON, RETIRED.

JAMES C. MAHAN, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA, VICE A NEW POSITION CREATED BY PUBLIC LAW 106–553, APPROVED DECEMBER 21, 2000.

FREDERICK J. MARTONE, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE ROGER Z. STRAND, RETIRED.

JULIE A. ROBINSON, OF KANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF KANSAS, VICE G. THOMAS VAN BEBBER, RETIRED.

D. BROOKS SMITH, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE TIMOTHY K. LEWIS, RETIRED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL RONALD J. BATH, 0000
BRIGADIER GENERAL FREDERICK H. FORSTER, 0000
BRIGADIER GENERAL JUAN A. GARCIA, 0000
BRIGADIER GENERAL MICHAEL J. HAUGEN, 0000
BRIGADIER GENERAL DANIEL JAMES III, 0000
BRIGADIER GENERAL STEVEN R. MCCAMY, 0000
BRIGADIER GENERAL JERRY W. RAGSDALE, 0000
BRIGADIER GENERAL WILLIAM N. SEARCY, 0000
BRIGADIER GENERAL GILES E. VANDERHOOF, 0000

To be brigadier general

COLONEL HIGINIO S. CHAVEZ, 0000
COLONEL BARRY K. COLN, 0000
COLONEL ALAN L. COWLES, 0000
COLONEL JAMES B. CRAWFORD III, 0000
COLONEL MARIE T. FIELD, 0000
COLONEL MANUEL A. GUZMAN, 0000
COLONEL ROGER P. LEMPKE, 0000
COLONEL GEORGE R. NIEMANN, 0000
COLONEL FRANK PONTELANDOLFO JR., 0000
COLONEL GENE L. RAMSAY, 0000
COLONEL TERRY L. SCHERLING, 0000
COLONEL DAVID A. SPRENKLE, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. BRUCE H. BARLOW, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN W. BERGMAN, 0000
BRIG. GEN. JOHN J. MCCARTHY JR., 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. GREGORY G. JOHNSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. SCOTT A. FRY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RAND H. FISHER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RICHARD B. PORTERFIELD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. STEPHEN A. TURCOTTE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. RICHARD K. GALLAGHER, 0000
CAPT. THOMAS J. KILCLINE JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) DAVID ARCHITZEL, 0000
REAR ADM. (LH) JOSE L. BETANCOURT, 0000
REAR ADM. (LH) ANNETTE E. BROWN, 0000
REAR ADM. (LH) BRIAN M. CALHOUN, 0000
REAR ADM. (LH) KEVIN J. COSGRIFF, 0000
REAR ADM. (LH) LEWIS W. CRENSHAW JR., 0000
REAR ADM. (LH) TERRANCE T. ETNYRE, 0000
REAR ADM. (LH) MARK P. FITZGERALD, 0000
REAR ADM. (LH) JONATHAN W. GREENERT, 0000
REAR ADM. (LH) CURTIS A. KEMP, 0000
REAR ADM. (LH) WALTER B. MASSENBURG, 0000
REAR ADM. (LH) JAMES K. MORAN, 0000
REAR ADM. (LH) CHARLES L. MUNNS, 0000
REAR ADM. (LH) JAMES A. ROBB, 0000
REAR ADM. (LH) JOSEPH A. SESTAK JR., 0000
REAR ADM. (LH) STEVEN J. TOMASZESKI, 0000
REAR ADM. (LH) JOHN W. TOWNES III, 0000
REAR ADM. (LH) CHRISTOPHER E. WEAVER, 0000
REAR ADM. (LH) CHARLES B. YOUNG, 0000
REAR ADM. (LH) THOMAS E. ZELIBOR, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

*PATRICK J. FLETCHER, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTION 624 AND 531:

To be major

ALBERT J ABBADESSA, 0000
*KATALINA ABSOLON, 0000
*HECTOR J ACOSTAROBLES, 0000
*GLEN T ADAMS, 0000
MARTIN F ADAMS, 0000
*VINCENT T ADDERLY, 0000
JOSE L AGUILAR, 0000
SEAN F AHRENS, 0000
*DAVID M AITKEN JR., 0000
STEPHEN K AITON, 0000
BLACE C ALBERT, 0000
PAULA S ALBERTO, 0000
CHRISTOPHER E ALBUS, 0000
*STEVEN E ALEXANDER, 0000
GREGORY D ALLEN, 0000
*JEFFREY W ALLEN, 0000
DAVID W ALLEY, 0000
*WILLIAM G ALMOND JR., 0000
*MICHAEL A ALSTON, 0000
*JENNIFER A AMOS, 0000
*CHARLES T ANDERSON, 0000
*DEAN C ANDERSON, 0000
GREGORY K ANDERSON, 0000
*JAMES L ANDERSON, 0000
*TERRY L ANDERSON, 0000
CORNELL E ANDERTON, 0000
*LAWRENCE A ANYANWU, 0000
*DAVID R APPLEGATE, 0000
*JULIO G ARANA, 0000
*NICHOLAS D ARATA, 0000
JOHN D ARMENTROUT, 0000
*MICHAEL G ARMSTRONG, 0000
WILLIAM F ARMSTRONG, 0000
JUSTINE A ARNER, 0000
JENNIFER J ASH, 0000
MIKAEL R ASH, 0000
*ROBERT P ASHE, 0000
*STEPHEN A ASHPES, 0000
*JOHN F ATKINS, 0000
*DARRELL W AUBREY, 0000
*JOHN T AUFFERT, 0000
MARK J BACON, 0000
PHILLIP M BADAR, 0000
*CLAUDE W BAILEY III, 0000
GEORGE D BAILEY JR., 0000
*JEFFERY S BAILEY, 0000
MICHELLE M BAILEY, 0000
*WILLIAM J BAINBRIDGE, 0000
HUGH D BAIR, 0000
JERRY L BAIRD, 0000
CLINTON J BAKER, 0000
HAROLD D BAKER, 0000
SHANE A BAKER, 0000
THOMAS E BAKER, 0000
*JAMES M BALL, 0000
MICHAEL A BALL, 0000
*ROBERT D BALL, 0000
*JAMES A BAMBURG, 0000
DAVID P BARLET, 0000
JAMES E BARNETT, 0000
MARTIN J BARR, 0000
ROBERT L BARRIE JR., 0000
CHRISTOPHER J BARRON, 0000
*DANIEL J BARZYK, 0000
DAVID E BASS JR., 0000
*BRIAN W BASSETT, 0000
THOMAS C BASSETT, 0000
MATTHEW M BATTISTON, 0000
*JOSEPH G BAYERL, 0000
*TODD M BEARDEN, 0000
PATRICK L BEATTY, 0000
*ASHLEAH BECHTEL, 0000
GLENN B BECKER, 0000
JAMES R BECKER, 0000
PAUL E BEGALKA, 0000
PERRY P BEISSEL, 0000
THOMAS P BELKOFER, 0000
*ARRITA D BELL, 0000
CHARLES S BELL, 0000
*DOUGLAS B BELLET, 0000
*MICHAEL B BELLENOIT, 0000
*JAMES P BELLOTTE, 0000
GERALD P BENARD, 0000
*JAMES E BENARD, 0000
*MATTHEW L BENDELE, 0000
ANTHONY L BENITEZ, 0000
*MICHAEL J BENJAMIN, 0000
*MARK S BENNETT, 0000
ROBERT J BENNETT, 0000
*ROLAND F BENNETT, 0000
*MICHAEL K BENTLEY, 0000
KENDALL A BERGMANN, 0000
BENJAMIN P BERNER JR., 0000
ANTHONY R BERRY, 0000
*JOSEPH BERRY JR., 0000
CRAIG BERRYMAN JR., 0000
*WILLIAM E BESETH, 0000
*JOHN A BETTASSO, 0000
CHRISTOPHER J BEVERIDGE, 0000
*MERLE V BICKFORD, 0000
*RICHARD B BILBY, 0000
*DAVID D BINGHAM, 0000
*JOHN A BISHOP, 0000
JIMMY F BLACKMON, 0000
*LARRY J BLACKWELL JR., 0000
*ALEC L BLAKELEY, 0000
TODD X BLOCH, 0000
ROBERT D BLOMQUIST, 0000
*JAMETTE A BLUE, 0000
*KEVIN BOBBITT, 0000
JOHN M BODOR JR., 0000
*EDWARD A BOEGLE, 0000
ROBERT A BOERJAN, 0000
MICHAEL T BOGOVICH, 0000
*PATRICK S BOLAND, 0000
SHAWN M BOLAND, 0000
DAVID R BOLDUC, 0000
*WAYNE J BONDY JR., 0000
*TY D BONNER, 0000
*CLIFTON R BOPP, 0000
JOHNNY R BORDEN, 0000
*GERALD A BOSTON, 0000
*FREDERICK K BOWER JR., 0000
CHARLES R BOWERY JR., 0000
*SCOTT M BOWMAN, 0000
*STEPHANIE D BRACERO, 0000
*ELIZABETH H BRADY, 0000
MARK R BRADY, 0000
JONATHAN P BRAGA, 0000
*MICHAEL L BRANNEN, 0000
*DONALD L BRAY, 0000
*JOSEPH C BRAZIEL, 0000
*JOSEPH T BREASSEALE, 0000
TREVOR J BREDENKAMP, 0000
PATRICK L BREMSER, 0000
JOHN R BRENCE, 0000
JOHN W BRENNAN JR., 0000
STEVEN D BRETON, 0000
FRANK W BREWSTER II, 0000
*NOELLE J BRIAND, 0000
JONALAN BRICKEY, 0000
ROBERT W BRINSON JR., 0000
DETRICK L BRISCOE, 0000
DAVID P BRISTOL, 0000
PAUL J BRISTOL, 0000
JEROME P BROCK, 0000
PAUL K BROOKS, 0000
*JOHN M BROOMHEAD, 0000
*AARON T BROWN, 0000
*ERIK M BROWN, 0000
LAWRENCE T BROWN, 0000
RONALD D BROWN JR., 0000
*TIMOTHY D BROWN, 0000
*LELAND A BROWNING JR., 0000
*TODD E BRUCKER, 0000
*JAMES B BRYAN, 0000
*LINETTE R BRYANT, 0000
*WILLIAM J BRYANT, 0000
*TIMOTHY W BUCHEN, 0000
JOHN G BUCK, 0000
*PATRICK T BUDJENSKA, 0000
*TON H BUI, 0000
ERIC F BULLER, 0000
GREGORY A BURBELO, 0000
WILLIAM W BURNHAM, 0000
*MICHAEL F BURNS III, 0000
FRED J BURPO, 0000
*ROBERT M BURRELL, 0000
BRIEN A BUSH, 0000
*SAMUEL A BUTZBACH, 0000
*ROBERT E BUZAN JR., 0000
CHRISTIAN S BUZATO, 0000
LESLIE F CABALLERO, 0000
*CAMBRIDGE L CADOGAN, 0000
*EDWARD K CAGLE, 0000
*ROBERT A CAIN, 0000
GARY D CALESE, 0000
CHARLES B CAMPBELL, 0000
*DOUGLAS R CAMPBELL, 0000
MARY J CAMPBELL, 0000
PETER CAMPBELL, 0000
*RONALD L CAMPBELL, 0000
*JUDITH A CANNON, 0000
*LAWRENCE N CANNON, 0000
CHRISTOPHER J CARDONI, 0000
SEAN T CARNEY, 0000
*TIMOTHY A CARNS, 0000
*WALTER T CARO, 0000
*ERIC B CARPENTER, 0000
MICHAEL H CARR, 0000
*BRIAN J CARROLL, 0000
*BRUCE M CARSWELL JR., 0000
JOHN L CARTER, 0000
*PAUL T CARTER, 0000
*JONATHAN G CASH, 0000
MICHAEL S CASHMAN, 0000
*RICHARD D CASPER JR., 0000
*JOHN L CASS, 0000
ALLEN T CASSELL, 0000
*OWEN B CASTLEMAIN, 0000
*EDWIN A CASTRO, 0000
*FELIX A CASTRO, 0000
*ERIC R CATHCART, 0000
*BRETT A CHALLENGER, 0000
*FLOYD CHAMBERS, 0000
*JASON B CHAMNESS, 0000
NELSON E CHANG, 0000
CHRISTIAN D CHAPMAN, 0000
*MICHAEL A CHARLEBOIS, 0000
*BRADFORD J CHASE, 0000
*JEFFERY CHEEKS, 0000
*JANICE H CHEN, 0000
*STEPHEN T CHENG, 0000
*RILEY J CHERAMIE JR., 0000
*ILLYA A CHISOLM, 0000
*MARVIN CHISOLM, 0000
DAVID A CHRISTENSEN, 0000
CHRIS W CHRONIS, 0000
THOMAS W CIPOLLA, 0000
*CHARLES H CLAFFEY, 0000
THOMAS J CLANCY JR., 0000
*CHRISTOPHER R CLARK, 0000
DANIEL L CLARK, 0000
JAMES L CLARK, 0000
JOSEPH P CLARK, 0000
*LANCE L CLARK, 0000
*PADRAIG T CLARK, 0000
*MICHAEL J CLARKE, 0000
RALPH L CLAYTON III, 0000
ANDREW F CLEMENTS, 0000
*RICHARD E CLEVELAND, 0000
*FREDERICK E CLIFFORD, 0000
*RICHARD R CLIFTON JR., 0000
*DAVID B CLORE, 0000
*ALTON B CLOWERS JR., 0000
*HOWARD COE JR., 0000
MARK A COLBROOK, 0000
*JAMES V COLE, 0000
*JEFFREY L COLEMAN, 0000
*MORALES R COLLAZO, 0000
*THOMAS F COLLETTE, 0000
*DANIEL E COLLING, 0000
PATRICIA S COLLINS, 0000
RICHARD M COLLINS, 0000
KIMBERLY M COLLOTON, 0000
*SENAHA N COLLS, 0000
*MARK W COLVIS, 0000
*DAVID A COMBS, 0000
*JOHN S CONLEY, 0000
*RODNEY CONNOR, 0000
*WILLIAM M CONNOR, 0000
*DIANNE E CONRAD, 0000
JASON E CONRAD, 0000
*ROBERT L CONRAD, 0000
*QUINT A CONSANI, 0000
DAVID A CONVERSE, 0000
FRANZ J CONWAY, 0000
*COREY S COOK, 0000
JOHN R COOK, 0000
*KEITH A COOK, 0000
*RUTH E COOK, 0000
*THOMAS W COOK, 0000
THOMAS M COOKE, 0000
*DAVID A COOLEY, 0000
PATRICK M COOLEY, 0000
MARY E COOPER, 0000
*JEFFREY S COPELAND, 0000
WILLIAM L COPENHAVER, 0000
MICHAEL R CORPENING, 0000
MICHAEL A CORTEZ JR., 0000
PAUL G COSTA, 0000
*JASON R COSTER, 0000
*COURTNEY P COTE, 0000
*JEFFREY A COTE, 0000
*BRIAN E COUGHLIN, 0000
*CLARENCE COUNTS JR., 0000
*JOHN W COVER JR., 0000
*MELISSA R COVOLESKY, 0000
*GLORIA J COX, 0000
*JESSE J COX, 0000
*JOSEPH L COX, 0000
TYRONE J CRABB, 0000
*KELLY A CRIGGER, 0000
*SCOTT T CRINO, 0000
JON R CRIST, 0000
*JOSEPH F CROCITTO, 0000
*JEFFREY L CROCKETT, 0000
MICHAEL J CROSSETT, 0000
*ROBERT S CROUCH, 0000
JAMES CROWLEY, 0000
WILLIAM L CROWLEY, 0000
*THOMAS A CROWSON, 0000
*RONALD T CUFFEE SR, 0000
*HARRY R CULCLASURE, 0000
DAVID T CULKIN, 0000
*ROBERT A CULP II, 0000
*ROBERT W CUMMINS JR., 0000
*ROBERT J CUNNIFF, 0000
DEBRA A CURETON, 0000
PATRICK K CURRAN, 0000
JOY L CURRIERA, 0000
*JOSEPH S CURTIS, 0000
*CONOR T CUSICK, 0000
JOHN M CYRULIK, 0000
*JOSEPH A DADDARIO, 0000
*ABBAS K DAHOUK, 0000
*JOSEPH G DALESSIO, 0000
*DAVID L DANIEL, 0000
*MICHAEL J DANIELS, 0000
THEODORE W DASSO, 0000
*HENRY L DAVENPORT, 0000
*ORESTEES T DAVENPORT, 0000
GREGORY B DAVIDSON, 0000
*ROBERT A DAVIDSON, 0000
THOMAS R DAVIES, 0000
*TONY O DAVILA, 0000
*BRIAN J DAVIS, 0000
DALE E DAVIS, 0000
*HUBERT D DAVIS, 0000
*JOEL DAVIS JR., 0000
*MICHAEL N DAVIS, 0000
*NATHAN W DAVIS, 0000
*ROBERT J DAVIS JR., 0000
*SCOTT A DAVIS, 0000
*TONY B DAVIS, 0000
*MICHAEL E DAWSON, 0000
*WILLIAM J DEAGAN, 0000
*SCOTT W DEBORD, 0000
*GARY M DEFORE, 0000
EFRAIN DELACRUZ, 0000
JOHN P DELANEY, 0000

*RANDALL S DELONG, 0000
MARK C DELP, 0000
*JEFFREY P DENNIS, 0000
*PHILLIP J DEPPERT, 0000
MARK J DERBER, 0000
*ERIC M DERYNIOSKI, 0000
*MICHAEL G DESLAURIERS, 0000
*GEOFFREY C DETINGO, 0000
*DAVID J DETZ, 0000
*CRAIG E DEVINE, 0000
LAMBERT D DEVRIES, 0000
*RONALD C DEY, 0000
*DWAYNE A DICKENS, 0000
*GLENN K DICKENSON, 0000
JOHN P DIGIAMBATTISTA, 0000
*SCOTT A DIGRUTTOLO, 0000
*ALFRED DILEONARDO III, 0000
*THOMAS E DILLINGHAM, 0000
*JAMES B DILLONAIRE, 0000
*JERRY D DILWORTH, 0000
JOHN A DINGES, 0000
*ERNEST DIXON III, 0000
*BRIAN K DOCKERY, 0000
BOBBY E DODD, 0000
*SASHA A DOMBROVSKIS, 0000
*PETER J DON, 0000
CHRISTOPHER M DONESKI, 0000
*KELLY P DONNA, 0000
*THOMAS A DORSEY, 0000
*DEBRA L DOUGHERTY, 0000
*ROY F DOUGLAS, 0000
*TERRY DOUGLAS, 0000
*MICHAEL J DOVE, 0000
ALAN J DOVER, 0000
*LARRY W DOWNER, 0000
*LARRY A DOXTATER, 0000
LEWIS N DOYLE, 0000
*THOMAS A DRAKEFORD, 0000
WILLIAM T DRAPER JR., 0000
*DAVID C DRESCHER JR., 0000
*GARY P DREW, 0000
TODD M DUDINSKY, 0000
*CARLOS A DUKES, 0000
*LAYTON G DUNBAR JR., 0000
JOSEPH M DUNCAN, 0000
KEITH A DUNKLE, 0000
*MICHAEL E DUNLAVEY, 0000
JOHN G DUPEIRE, 0000
*KEITH A DUPONT, 0000
*MICHAEL F DUPRA, 0000
*FREDERICK A DUPUY, 0000
CHARLES T DURAY, 0000
*ROBERT C DURBIN, 0000
*RAQUEL M DURDEN, 0000
*BRIAN L DUTTON, 0000
DANIEL DWYER, 0000
DIXON D DYKMAN, 0000
JOHN F DZIENNY, 0000
*ROBERT S EARL, 0000
BRAD E ECKLEY, 0000
CLAYTON W EDENS, 0000
ROYCE A EDINGTON, 0000
*ROBERT L EDMONSON II, 0000
CURTIS B EDSON, 0000
JOHN K EDWARDS, 0000
*THOMAS J EDWARDS JR., 0000
WILLIAM L EDWARDS, 0000
CHRIS ELDRIDGE, 0000
*SCOTT J ELLINGER, 0000
*AUDRY L ELLINGSON, 0000
JOHN F ELLIS, 0000
KAY L EMERSON, 0000
*RYAN W EMERSON, 0000
*WILLIAM B EMGE, 0000
*ERIC E ENDRIES, 0000
CHRISTOPHER H ENGEN, 0000
CHRISTOPHER T ENGER, 0000
*BRIAN S ENGLAND, 0000
*GENE E ENGLAND, 0000
*BRENT B EPPERSON, 0000
*JOE ERVIN JR., 0000
*ALEXANDER P ESPINOSA, 0000
*JOHN F ESPOSITO, 0000
*CHRISTOPHER L EUBANK, 0000
*EDWARD J EVANS JR., 0000
IVAN D EVANS, 0000
*JODY L EVANS, 0000
*LILLARD D EVANS, 0000
ROBERT C EVANS, 0000
DOUGLAS M FAHERTY, 0000
FREDERICK J FAIR, 0000
MARTIN L FAIR JR., 0000
*DANIEL R FARMER, 0000
WILLIAM K FARMER, 0000
*DONALD M FARNSWORTH, 0000
JERRY L FARNSWORTH II, 0000
*CHRISTOPHER S FARR, 0000
CHRISTOPHER M FARRELL, 0000
*JAMES M FARRELL, 0000
*MICHAEL P FARRELL, 0000
*CEDRICK A FARRIOR, 0000
JAMES K FARRIS, 0000
WILLIAM L FEHLMAN II, 0000
*CARY V FERGUSON, 0000
ROBYN E FERGUSON, 0000
*WILLIAM W FERGUSON, 0000
*CASTANER P FERNANDEZ, 0000
*JAY M FERREIRA, 0000
DAVID P FILER, 0000
*THOMAS L FINCH JR., 0000
JASON R FISCHL, 0000
PAUL R FISCUS, 0000
ROBERT A FISHER, 0000
*EDWIN J FISKE JR., 0000
*MARK A FITCH, 0000
MICHAEL F FITZGERALD, 0000
*KAREN G FLEMING, 0000
*KEM R FLEMING, 0000
*LEE A FLEMMING JR., 0000
*EDWIN A FLICK, 0000
*JOSEPH M FLOWERS, 0000
*WILLIE J FLUCKER JR., 0000
*DAVID S FLYNN, 0000
KEITH J FORSYTH, 0000
WILLIAM J FORTNER, 0000
*TERENCE A FOSSGREEN, 0000
*CHRISTOPHER J FOX, 0000
*DARRYL T FOX, 0000
JONATHAN M FOX, 0000
DARREN C FRANK, 0000
*MARY E FRANKE, 0000
DONALD R FRANKLIN, 0000
*MITCHELL D FRANKS, 0000
PETER E FRANZ JR., 0000
*KRISTIN A FRAZER, 0000
JAMES W FRAZIER, 0000
*PAUL J FREDERICK, 0000
*JOHN M FREEBURG, 0000
JEFFREY W FRENCH, 0000
*MICHAEL J FRENCHICK, 0000
*DARWIN A FRETT, 0000
*SONYA K FRIDAY, 0000
*ANNA R FRIEDERICHMAGGARD, 0000
*RICHARD A FROMM II, 0000
*ROBERT L FRUEHWALD, 0000
THOMAS M FUGATE, 0000
*ALEXANDER P FULLERTON, 0000
*SHANE N FULLMER, 0000
*ROBERT F FULSCHER, 0000
*MATTHEW S FURLONG, 0000
*CURTIS N GADSON, 0000
JOHN W GAGNON, 0000
KAREN M GAIENNIE, 0000
*WILLIAM S GALBRAITH, 0000
*DOUGLAS O GALEAI, 0000
JAMES J GALLIVAN, 0000
*VINCENT F GALLMAN, 0000
*AUGUSTINE GALLOWAY, 0000
*ELLIOTT W GALLOWAY, 0000
*WALTER R GANDY, 0000
*JOE D GANN, 0000
*MICHAEL W GANUELAS, 0000
*MICHAEL T GARDNER, 0000
*SIMON C GARDNER, 0000
ROBERT M GARNER, 0000
KEITH A GARWOLD, 0000
*JAY P GAUTREAUX, 0000
JAMES E GAYLORD JR., 0000
*MICHAEL GEEZA JR., 0000
SCOTT C GENSLER, 0000
OMUSO D GEORGE, 0000
*ALEJANDRO GEORGES, 0000
SCOTT R GERBER, 0000
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*BRIAN M LUCID, 0000
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*GLENN MCNORIAL, 0000
*DAVID N MCNUTT, 0000
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*JAMES J MYRICK, 0000
VICTOR M NAKANO, 0000
*JAMES H NANCE II, 0000
*JOSE C NAPUTI, 0000
*JON M NARIMATSU, 0000
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*LEE M PORTERFIELD, 0000
JAMES C POWERS JR., 0000
*BRYAN L PRATT, 0000
*MARK A PRATT, 0000
*STEVEN V PRAY, 0000
*TIMOTHY D PRESBY, 0000
THOMAS L PRESCOTT, 0000
*ANDREW D PRESTON, 0000
*DAVID J PRESTON, 0000
SHAWN T PRICKETT, 0000
MICHELE M PRIHODA, 0000
FREDERICK E PRINS, 0000
ROBERT E PROCTOR, 0000
*CHRISTOPHER B PULTZ, 0000
*ROBERT J PURVIS, 0000
CRAIG E QUADRATO, 0000
*KEVIN J QUARLES, 0000
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*THOMAS F QUINN, 0000
TROY A RADER, 0000
BRIAN E RAE, 0000
TERESA L RAE, 0000
NATHANIEL W RAINEY, 0000
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HUMBERTO B RAMIREZ, 0000
*PETER J RAMIREZ, 0000
*CHRISTIAN J RAMTHUN, 0000
*KENNETH J RATASHAK, 0000
*BRIAN D RAY, 0000
*MICHAEL D RAYBURN, 0000
ROMEO RECCHIA, 0000
STANLEY L REDEN, 0000
BRAD L REED, 0000
*MARCUS A REESE, 0000
*DANIEL C REID, 0000
KEVIN M REISWITZ, 0000
ANDREW T RENDON, 0000
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*REYNALDO D RINEN, 0000
PAUL RITKOUSKI, 0000
WILLIAM M ROBARE, 0000
*ARVESTA P ROBERSON II, 0000
LARRY L ROBERTS, 0000
*ARTHUR B ROBERTSON, 0000
KURT W ROBINSON, 0000
BRYAN S ROBISON, 0000
*DAWN M RODESCHIN, 0000
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*RICHARD R ROULEAU, 0000
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*JOHN L SALOMONE JR., 0000
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*ROBERT R SIGLER, 0000
*SCOTT E SILL, 0000
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*JOHN R SIMONTON, 0000
JEFFREY S SIMPSON, 0000
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*KIM L SIMS, 0000
*PAYTON L SIMS, 0000
NANDKUMAR R SINGH, 0000
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*JOHN T SIVILS, 0000
*CHAD D SKAGGS, 0000
*JAMES M SKRABACZ, 0000
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*SARAH M SMALL, 0000
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*DOUGLAS E SMALLS, 0000
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*CRAIG L SMITH, 0000
*DALE R SMITH, 0000
*DON E SMITH JR., 0000
*DWAYNE R SMITH, 0000
*JAMES J SMITH, 0000
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*KEITH A SMITH, 0000
*LAWRENCE A SMITH III, 0000
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*SAMMY J SMITH, 0000
*SAMUEL D SMITH, 0000
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*MICHAEL D SNYDER, 0000
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*FRANCIS A SOCHA, 0000
PAUL M SOEHNLEIN, 0000

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THEODORE W SOLONAR, 0000
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*JAMES D SPEEGLE, 0000
*RODERIC SPENCER, 0000
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*STEPHANIE W SPENGLER, 0000
*RICHARD W SPIEGEL, 0000
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JOHN R STARK, 0000
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*MARK L STEBBINS, 0000
KIRK D STEEGE, 0000
*JEFFREY A STEEL, 0000
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DARRYL D STEPHENS, 0000
MARK F STEPHENSON, 0000
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*MICHAEL A STEVENS, 0000
*PATRICK J STEVENSON, 0000
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*MAURICE H STEWART, 0000
*SUR E STEWART, 0000
*DOUGLAS F STITT, 0000
*ADRIAN C STOCKER, 0000
*TAMMY L STOCKING, 0000
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*KARL P STORER, 0000
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*GARRICK K STRONG, 0000
SHAWN A STROUD, 0000
GEORGE J STROUMPOS, 0000
*TED R STUART, 0000
*FLEMING T SULLIVAN, 0000
*GREGORY M SULLIVAN, 0000
MICHAEL P SULLIVAN, 0000
*MATTHEW C SULT, 0000
LANCE L SUMNER, 0000
*DAVID S SUSSMAN, 0000
*ROBERT J SUTTER, 0000
DAVID O SUTTON, 0000
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STEVEN M SWIERKOWSKI, 0000
STEPHEN P SZEWC, 0000
*RODNEY Y TAKAHASHI, 0000
*VALERIE Y TAKESUE, 0000
*CHRISTOPHER B TALLEY, 0000
*THOMAS F TALLEY, 0000
*DARREN M TATE, 0000
*KENNETH J TAUKE, 0000
*CLARK B TAYLOR, 0000
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DAVID T TAYLOR, 0000
GRADY S TAYLOR, 0000
*WILLIAM D TAYLOR, 0000
*MICHAEL A TAYMAN, 0000
MATTHEW T TEDESCO, 0000
RONALD M TEIXEIRA, 0000
PAUL D TERRELL, 0000
*MAXWELL S THIBODEAUX, 0000
*THOMAS A THLIVERIS, 0000
CLEOPHUS THOMAS JR., 0000
*IAN M THOMAS, 0000
*MICHAEL W THOMAS, 0000
*ANTONIO L THOMPSON, 0000
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*KATHERINE P THORNTON, 0000
MARVIN M THORNTON JR., 0000
*OTHA E THORNTON JR., 0000
*WILLIAM R THORNTON, 0000
ERIC R TIMMERMAN, 0000
RICHARD F TIMMONS II, 0000
*CRAIG J TIPPINS, 0000
*DANIEL L TOBIAS, 0000
*THOMAS A TOLARE, 0000
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*STEPHEN G TOOHEY, 0000
*JOHN C TOOMEY, 0000
*VINCENT H TORRES, 0000
JOSE O TORRESALVARADO, 0000
*STACY S TOWNSEND, 0000
THOMAS V TRACZYK IV, 0000
*JULIAN S TRAN, 0000
*GEORGE J TRAWICK, 0000
NATHAN C TRIPP, 0000
CAROL M TSCHIDA, 0000
RONALD L TUCKER JR., 0000
WESLEY I TUCKER, 0000
JASON J TURNER, 0000
*JOHN S TURNER, 0000
*LANE M TURNER, 0000
TONY R TURPIN, 0000
*RICHARD D TUTTLE, 0000
STEPHANIE J TUTTON, 0000
MATTHEW R TYLER, 0000
*OSCAR R TYLER, 0000
SCOTT A TYLER, 0000
*RODNEY D TYSON, 0000
*JAMES W UHLMANN, 0000
RICHARD P ULLIAN, 0000
*MARK S ULRICH, 0000
ROBERT E UNDERWOOD, 0000
*CRAIG S UNRATH, 0000
JAMES A URBEC, 0000
*ROBERT V URQUHART, 0000
JACK L USREY, 0000
*SHAWN M VAIL, 0000
DOUGLAS M VALLEJO, 0000
*MORRIS S VANDERSLICE, 0000
MARTHA S VANDRIEL, 0000
MICHAEL J VANDRIEL, 0000
*DOUGLAS C VANWEELDEN III, 0000
*KEVIN A VANYO, 0000
*ANTONIO D VEGA, 0000
*DARRYL L VERRETT, 0000
*ANTHONY J VEVASIS, 0000
*ROBERT M VILLALOBOS, 0000
BRET A VINCENT, 0000
DOUGLAS G VINCENT, 0000
MARK A VINEY, 0000
JOSEPH L VITALE, 0000
*JAMES W VIZZARD, 0000
*SHELLEY L VOLKWEIN, 0000
*THOMAS VONESCHENBACH, 0000
*DERIK F VONRECUM, 0000
*JOEL B VOWELL, 0000
*WALTER K WADSWORTH JR., 0000
CAREY M WAGEN, 0000
RICHARD A WAGEN, 0000
PATRICK L WALDEN, 0000
GREGORY M WALKER, 0000
*KENNETH D WALKER, 0000
*TOMMIE L WALKER, 0000
*STEVEN T WALL, 0000
*CHRISTOPHER W WALLECK, 0000
WILLIAM B WALLER JR., 0000
ANDREW R WALTER, 0000
*CHARLES A WALTERS JR., 0000
*JOHN P WANAT, 0000
*JAMES A WANOVICH, 0000
*HEATHER J WARDEN, 0000
RANDOLPH S WARDLE, 0000
*ERIC C WARNER, 0000
*STEVEN H WARREN, 0000
*JR B WARRINGTON, 0000
JOHN A WASKO, 0000
TODD R WASMUND, 0000
TOM W WATITI, 0000
CHRISTOPHER J WATRUD, 0000
*BILLY WATTS JR., 0000
*ROLF H WATTS, 0000
*MICHAEL E WAWRZYNIAK, 0000
*ANDREW J WEATHERSTONE, 0000
*JOHN A WEAVER, 0000
*JOHN M WEAVER, 0000
KENNETH D WEBB, 0000
MARTIN J WEBER, 0000
*DYLAN M WEINSTEIN, 0000
RANDALL S WEISNER, 0000
MICHAEL W WELCH, 0000
WILLIAM T WELCH, 0000
CHRISTOPHER D WELLS, 0000
*GERALD S WELLS JR., 0000
*LARS A WENDT, 0000
*KEVIN B WESOLOWSKI, 0000
HOLLY F WEST, 0000
*JAMES G WEST, 0000
MARK R WEST, 0000
*MICHAEL P WHALEN, 0000
*RAYMOND A WHATLEY, 0000
*CHARLESTER C WHITE, 0000
DOUGLAS E WHITE, 0000
*GREGORY E WHITE, 0000
LISA D WHITE, 0000
MICHAEL R WHITE, 0000
*SHARON R WHITE, 0000
TIMOTHY W WHITE, 0000
ERIC L WHITEHURST, 0000
CRAIG A WHITESIDE, 0000
*RANDALL D WICKMAN, 0000
*JAMAL E WIGGLESWORTH, 0000
*SCOTT F WILE, 0000
*JEFFREY J WILEY, 0000
*KENT R WILEY, 0000
AUDIE M WILKINS, 0000
ANTWAN C WILLIAMS, 0000
*CHARLIE WILLIAMS, 0000
*ELLSWORTH WILLIAMS JR., 0000
KEVIN D WILLIAMS, 0000
*REGINALD G WILLIAMS, 0000
JOHN K WILLIAMSON III, 0000
CHRISTOPHER R WILLIS, 0000
*DAVID M WILLIS, 0000
DOUGLAS E WILLIS, 0000
*WILLIAM W WILLIS III, 0000
*WOODROW W WILLIS, 0000
DAVID R WILLS, 0000
DANIEL B WILSON, 0000
*DAVID WILSON, 0000
DIONNE M WILSON, 0000
*JACKIE WILSONTARVER, 0000
*JOHN K WILWERDING, 0000
*FREDERICK M WINTRICH, 0000
*PETER J WIRTH, 0000
WILLIE R WITHERSPOON, 0000
*GARY A WITTMANN, 0000
ANTHONY M WIZNER, 0000
*CARL E WOMACK JR., 0000
*DAVID M WOOD, 0000
*DORSEY R WOODSON, 0000
DAVID J WOOTEN, 0000
*CHARLES C WORRILL, 0000
*ANDREW P WORTHAM, 0000
*BRIAN W WRIGHT, 0000
*CHONTA R WRIGHT, 0000
*DAVID N WRIGHT, 0000
*FRANK B WRIGHT, 0000
JOHN A WRIGHT, 0000
*JOHN D WRIGHT, 0000
*MICHAEL T WRIGHT, 0000
*THOMAS M WRIGHT, 0000
*WEBSTER M WRIGHT III, 0000
JEFFREY T WYATT, 0000
*RICHARD D WYATT, 0000
TERESA A WYATT, 0000
WILLIAM M WYATT, 0000
KEVIN J YATAR, 0000
*ANDREW T YERKES, 0000
GAIL E YOSHITANI, 0000
SHAW YOSHITANI, 0000
*CYNTHIA M YOST, 0000
MARK Q YOUNG, 0000
WILLIAM H ZEMP, 0000
FRANCESCA ZIEMBA, 0000
*ERIC D ZIMMERMAN, 0000
*ERIC V ZIMMERMAN, 0000
*KIM D ZIMMERMAN, 0000
MATTHEW C ZIMMERMAN, 0000
TODD M ZOLLINGER, 0000
*X0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CURTIS W. MARSH, 0000

DEPARTMENT OF JUSTICE

JAY B. STEPHENS, OF VIRGINIA, TO BE ASSOCIATE ATTORNEY GENERAL, VICE DANIEL MARCUS, RESIGNED.