

I would like to thank members of our committee staff and personal staff, Kathleen Smith, George Conant and James Bergeron, from my personal staff for all the work that they did. I know over the weekend they were trying to find a place to meet. It was difficult and they put in extra hours, and I want to thank them for their efforts.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 3086, the Higher Education Relief Opportunities for Students Act or HEROS Act. I commend my colleague, the gentleman from California, Mr. MCKEON for his leadership on this issue and for introducing this important legislation.

H.R. 3086 recognizes that as a result of the September 11th attacks on America, a number of student loan borrowers find themselves in dire economic circumstances. The World Trade Center attacks left some 100,000 individuals jobless, without any way in which to continue repaying their federal student loans. Moreover, the 6,000 Americans who died left behind substantial debts and in many cases, families are left without their major breadwinner. This legislation calls on the Secretary of Education to waive or modify current regulations regarding loan repayment to take into account the very special circumstances surrounding the thousands affected by the events of September 11th.

In addition, with the deployment of troops to Afghanistan, thousands of men and women will be called to active duty and required to leave their daily lives behind. For many this means leaving school. This legislation calls on all colleges and universities to provide a full refund to students who are members of the Armed Forces serving on active duty during the national emergency, for the time that the student was unable to complete courses, or for which the student did not receive academic credit, because he or she was called up for such service. Similarly, if affected students withdraw from a course of study as a result of such service, such institutions should make every effort to minimize deferral of enrollment or reapplication requirements and should provide the greatest flexibility possible with administrative deadlines related to those applications.

During this time of national crisis, every American has been and continues to be affected. The thousands who are now facing certain economic difficulty, as well as those men and women fighting to ensure democracy and freedom overseas, need our help and understanding. This legislation is just one small way in which we can alleviate some of the burdens from those families left behind after the September 11th attacks, as well as American service men and women. I am pleased to support this legislation and I urge my colleagues to vote for H.R. 3086, the HEROS Act.

God bless our service men and women and God bless America.

Mr. MCKEON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the bill, H.R. 3086, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of

those present have voted in the affirmative.

Mr. MCKEON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

FREEDOM BONDS ACT OF 2001

Mr. HOUGHTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2899) to authorize the Secretary of the Treasury to issue War Bonds in support of recovery and response efforts relating to the September 11, 2001 hijackings and attacks on the Pentagon and the World Trade Center, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2899

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 "Freedom Bonds Act of 2001".

SEC. 2. ISSUANCE OF FREEDOM BONDS.

Section 3105 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(f) **FREEDOM BONDS.**—The Secretary may designate one or more series of bonds or certificates (or any portion thereof) issued under this section as 'Freedom Bonds' in response to the acts of terrorism perpetrated against the United States on September 11, 2001."

SEC. 3. STUDY OF PUBLIC DEBT MANAGEMENT.

(a) **IN GENERAL.**—The Commissioner of the Public Debt shall conduct a study of the administrative costs of the Bureau of the Public Debt associated with managing the public debt, including, with respect to the various types of debt instruments, interest rate costs and personnel and processing costs related to issuing, redeeming, and otherwise administering the instruments on both an annual basis and on a transaction basis. The study should include—

(1) cost comparisons between high-amount, lower-volume instruments (such as large Treasury bills and notes with varying maturities) and low-amount, high-volume instruments such as savings bonds,

(2) an analysis of the impact of the savings bond program on the Federal Government, and

(3) an analysis of the impact of the savings bond program on savings opportunities for the public.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Commissioner of the Public Debt shall submit a report of such study to the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. HOUGHTON) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am going to echo many of the sentiments and the feel-

ings that other people have expressed today, but I would like to do this in this particular context of the bill.

As we all know, last month we suffered a terrible blow and lives were lost and buildings were destroyed and families were maimed and businesses and structures were destroyed; but the American spirit, as always, stood firm in the face of adversity, and there was an outpouring of support for recovery and rebuilding. Police and firefighters and rescue workers and volunteers of every kind worked around the clock to respond to this attack.

The American people have shown a commitment to these efforts by donating to charities in record numbers, over \$300 million to both the Red Cross and the United Way, for example; and blood banks, as we all know, have been overwhelmed with donations, some 500,000 in 2 weeks after the attacks. School children across the country are involved in raising money for the attack victims and the children of Afghanistan.

This particular legislation allows another way for individuals to support our relief efforts. The Treasury Department is authorized to designate new savings bonds as freedom bonds in response to the acts of terrorism of September 11. These freedom bonds will provide a method for people across the country to lend their support to our country by purchasing savings bonds.

I congratulate my colleague, the gentleman from New York (Mr. SWEENEY), for introducing this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Let me just echo the comments of the gentleman from New York (Mr. HOUGHTON). The gentleman is absolutely correct. I agree with everything that my colleague has said about the events of September 11, the response by our communities, our collective communities since September 11, and the fact that our Nation has really come together.

I must tell my colleagues that wherever I go in my district people want to know what they can do to help; and I want to thank the gentleman from New York (Mr. SWEENEY) and the gentleman from New York (Mr. LAFALCE) for bringing forward this legislation that allows one more opportunity where our Nation, where our citizens can demonstrate how they can also help in our effort to beat back the terrorists and what they have caused to our country.

H.R. 2899 establishes the freedom bonds, the United States savings bond. I think many of us remember during other periods of America's history when we have been tested. People lined up in order to buy United States savings bond, victory bonds and now freedom bonds. It is an opportunity to invest in our Nation and to become part of the way in which we deal with the effects of September 11.

The proceeds will go to assist in the recovery and relief operations following the terrorist attacks, including humanitarian assistance, and to combat terrorism. This is a way for the public to show support in our fight against terrorism. It is a safe, low-risk investment that is available for the average person in our community. The average person can participate by buying a freedom bond.

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It is a statement that the Federal Government stands ready to raise funds needed to finance the war against terrorism with the full participation of the American public.

For all those reasons, I want to thank my friend, the gentleman from New York (Mr. HOUGHTON), for bringing forward this legislation. We strongly support it in a bipartisan way.

Mr. Speaker, I reserve the balance of my time.

Mr. HOUGHTON. Mr. Speaker, I yield myself such time as I may consume. I congratulated the gentleman from New York (Mr. SWEENEY) in my statement, but I also want to thank the gentleman from New York (Mr. LAFALCE), and I am sorry for that omission.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I thank the gentleman for yielding me this time, and I applaud the bipartisan cosponsors of this resolution.

I want to rise in strong support of H.R. 2899, the Freedom Bonds Act of 2001. This legislation draws upon the heritage of our greatest generation. During World War II, war bonds were one important way that every American could help make sure that our men and women in uniform had what they needed for victory. My own district is home to Libertyville, Illinois. Libertyville sold more war bonds per capita than any other city in America. Libertyville oversubscribed every bond quota assigned, and this achievement led to a unique honor.

In the fall of 1942, a young sailor reported for duty at the Great Lakes Naval Training Center. Like the 3 million Americans who entered the Navy there, James Cagney trained for war. On September 10, 1942, he was able to leave the base and paid a unique honor to Libertyville's war bond drive by opening a major Hollywood movie there, *Desperate Journey*. *Desperate Journey* was a war thriller starring Errol Flynn and Ronald Reagan and it opened at the Libertyville Theater. Tickets went for a \$25 war bond, and the evening was a smashing success, raising \$110,000 for the war effort.

Mr. Speaker, in these tough times after September 11, we return to our values in tested ways to support our country and the cause of freedom. This legislation recalls that spirit of Libertyville to enlist the help of every American in our cause against terrorism. I would hope that this legislation receives quick action and that

Libertyville can help launch our State's freedom bond effort. With the help of our historian, Dean Larson, we can join our proud heritage with the mission ahead.

Mr. CARDIN. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. LAFALCE), who is the sponsor of a bill similar to the one we are debating here on the floor today.

(Mr. LAFALCE asked and was given permission to revise and extend his remarks.)

Mr. LAFALCE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of H.R. 2899, the Freedom Bonds Act.

Immediately after the September 11 attack, I introduced legislation authorizing the U.S. Treasury to issue special bonds to help fund victim relief, rebuilding, military activity, counterterrorism activities, et cetera. So, too, did a number of other Members of Congress.

The legislation before us today represents an amalgam of various bills introduced in both the House and the Senate that would authorize the U.S. Treasury to redesignate either all or part of the current Series EE savings bonds as Freedom Bonds that will be available for purchase anywhere in our country at local financial institutions and also through the Treasury Department Web site directly.

Now, there are some media commentators who have suggested that these bonds will not be the best investment possible. Well, that could well be true, but that totally misses the point. It is not about being the best financial deal, it is about giving all our citizens an opportunity to play an active role in our Nation's response to terrorism, the same role that their parents and grandparents of the greatest generation played in contributing to the defeat of the axis powers half a century ago.

It is obvious that the people want to contribute and actively participate in our Nation's response to international terrorism. They call every day. What can I do? Can I give blood? Can I do something? Well, we are now giving them an opportunity to purchase Freedom Bonds. The government will use this money for a multiplicity of purposes, including those I have just articulated: fighting terrorism. But the stronger our government is financially, the stronger response we will be able to make against terrorism.

This legislation will allow all Americans the opportunity to purchase bonds that are virtually risk free, and not a bad investment when we consider what our investment might have been if we had invested in the market, oh, say, March of 2000. We might be way, way, way ahead of the game right now had we purchased EE bonds. The gentleman from New York (Mr. HOUGHTON) from Concordia, New York, understands what I am saying.

And, Mr. Speaker, let me congratulate the gentleman from New York

(Mr. HOUGHTON) on the award that he is going to receive tonight from the Center for National Policy, and let me also congratulate him for having the courage to bring the lawsuit in Federal Court challenging that clearly abusive decision of the FEC. I simply paid the fine. I did not have the courage to go into court, as the gentleman is doing. God bless him.

Mr. HOUGHTON. Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

(Ms. KAPTUR asked and was given permission to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, I rise in support of the Victory Bonds Act of 2001 that was introduced by the gentleman from New York (Mr. SWEENEY), the gentleman from New York (Mr. LAFALCE), and the gentleman from Maryland (Mr. CARDIN), and all those who have worked so very hard here to bring this bill to the floor, including the gentleman from New York (Mr. HOUGHTON).

Like so many other Members of this body, I also have introduced a savings bond measure and find that this one has many similarities to the one that I have introduced and would urge the support of my colleagues for, and I would ask the American people to think very hard about purchasing one of these freedom bonds in order to help in our war efforts. The amount of yield on the bond would be announced on a fairly regular basis, but it is more than is paid for a current savings account in a local financial institution and is guaranteed by the full faith and credit of the government of the United States.

It is probably important to say for the record that it is also important to purchase savings bonds because in the last 20 years almost half of our public debt is now owned by foreign interests. This is a staggering figure. We pay over \$370 billion a year to offshore interests to finance the spending of this economy. The past due bills for the defense of the Nation, for the bailout of the savings and loans, and for all the other expenses accrued in this government has gone up markedly over the past two decades. This is a real way to make America free again and to become independent again.

I would also urge, in discussing the purposes of this particular bonds act to assist in the recovery and relief operations following the terrorist acts, including humanitarian assistance and to combat terrorism, that probably the key way that America can become independent again is to cut our chief strategic vulnerability, which is our dependence on imported petroleum.

It is no coincidence that Saudi Arabia is the major nation in the Middle East from which this Nation imports petroleum. Of course, we import also from Venezuela, Mexico, Nigeria, and other places where democracy is not

exactly in full bloom. So I would hope that as these bonds are purchased by the American people, that we would look very hard at energy independence for our country and begin to wean ourselves off our very dangerous dependence on imported petroleum.

In fact, to combat terrorism in the future, the most important way to do that is for us to be independent here at home and to use some of these dollars for investment in renewable technologies here in the United States, in clean technologies, in the biofuels that we can produce off our land, and in the clean coal reserves that we can develop, where we have more Btus underground than the Middle East has in Btus in the form of petroleum.

So I want to commend the authors of this legislation to create freedom bonds and ask the entire American public to participate in this. Think about this for Christmas and holiday gifts; think about it for anniversary and graduation presents. It is the most important purchase Americans can make this year, particularly when the proceeds are invested in job producing projects here at home, and not just idle consumption but in fact produce new wealth creation industries here at home.

I would hope that kind of creativity is a part of the execution of these Freedom Bond Acts, and in closing, I offer full support for this measure, Mr. Speaker.

Mr. HOUGHTON. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. SWEENEY), who is the original conceiver of this legislation.

Mr. SWEENEY. Mr. Speaker, I want to thank my friend, the gentleman from New York (Mr. HOUGHTON), for his help and all his advice and counsel, and the ranking member, the gentleman from Maryland (Mr. CARDIN) for their help.

I apologize, Mr. Speaker, for being here a little late as this bill has gone forward, but in these extraordinary times I was at another meeting trying to work out other important matters that face my district in New York and the Nation.

I am proud today to be introducing the war bonds legislation authorizing the Department of the Treasury to establish a special category of U.S. savings bonds to help the government pay for rebuilding initiatives and anti-terrorism actions following the September 11 attacks on New York City and Washington, D.C. As I said, extraordinary circumstances now face our Nation, and in facing those circumstances lawmakers and leaders in Washington must take extraordinary action, and certainly the citizens of this great Nation.

The government will need to have every option available to it as we pursue the treacherous cowards responsible for the acts of war against our Nation. Let us join the other body today in passing this legislation. The Treasury Department has indicated its

support for the measure which would allow the Treasury to borrow at a lower rate of interest and thus maximize the return of assets to be put towards the war effort.

Mr. Speaker, it is important to note that these instruments will most likely replace existing government securities and therefore not compete with other nongovernmental investment vehicles. I would also like to encourage the Department of the Treasury to use the Ad Council to develop the public awareness of this program.

At this time, Mr. Speaker, of great national unity, these war bonds serve as an ideal vehicle for Americans to support efforts to bring those responsible for these attacks to justice. They will provide the American people an important and tangible method to be part of the effort that will be ongoing and endearing. The bonds will provide the average citizen with a convenient option for exercising their patriotism and showing their support for our efforts, and they will create additional resources for our government to use in expediting this effort.

If passed, this legislation will allow patriotic citizens to contribute to their country in a time of need and simultaneously help finance the rebuilding of our Nation, as well as the efforts to bring the culprits of the attack to justice.

Mr. Speaker, let me conclude by saying that the bill provides great flexibility and discretion to Treasury in the hopes that the Treasury Department may expedite implementation of this program. It is my hope that such swift implementation will maximize the positive effects we expect to see here.

Mr. Speaker, I urge the support of all my colleagues to pass this important bill today.

Mr. CARDIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. LEVIN), a senior member of the Committee on Ways and Means.

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

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Mr. LEVIN. Mr. Speaker, I rise in support of this proposal. On May 1, 1941, the first World War II bond was sold to President Franklin D. Roosevelt by Secretary of the Treasury, Henry Morgenthau. Over the course of the war, more than \$185 billion in war bonds were purchased by more than 85 million Americans.

In one of his famous fireside chats, President Roosevelt told the American people, "All our fighting men overseas today have their appointed stations on the far-flung battlefronts of the world. We at home have ours, too. We are proud of our fighting men, most decidedly. But, during the anxious times ahead, let us not forget that they need us, too."

President Roosevelt went on to say, "Whatever else any of us may be doing,

the purchase of war bonds is something all of us can do and should do to help win the war."

If we are to win the long war against global terrorism, it is clear that the fight must be waged, not only by the Federal Government, but by the united American people. The war bond is both a symbol and an expression of this unity.

Mr. Speaker, I was home in my district over the weekend talking with my constituents and meeting with local leaders, including law enforcement and emergency response personnel, mayors, city managers and county and State officials. I was struck by how much everyone I spoke to wanted to do whatever they could to help us with the fight against terrorism and to protect lives and safety on the home front.

It is clear that we need much better planning, information sharing, and coordination between all levels of government: Federal, State, and local. There must be greater coordination among communities. As he works to strengthen homeland defense, our former colleague, Governor Ridge, has a vast reservoir of talent and experience on the local level to draw on. The challenge is to find a way to tap this resource.

This bill is one way to tap the resources of individuals, of countless citizens of this country, to help fight, keeping within American traditions, the fight against terrorism. I urge support of this bill.

Mr. HOUGHTON. Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say in concluding that this is another opportunity for us to show the unity of our Nation, to allow the average person to be able to help contribute to a successful conclusion of our war against terrorism. I urge my colleagues to support the Freedom Bonds Act of 2001.

Mr. Speaker, I yield back the balance of my time.

Mr. HOUGHTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have to admit I was against this legislation originally because the whole concept of victory bonds in World War II was to take money out of the economy so it would not be chasing consumer products which were no longer in existence because the production had moved towards defense.

But then in thinking through what is happening here, everybody wants to be a part. Everybody wants to be a part of our effort, whether they give money to the Red Cross or whether they give blood in a blood bank. I think this is a worthy cause and something which Americans can identify with, and I think it is the right thing to do.

Mr. Speaker, I thank the gentleman from Maryland (Mr. CARDIN) very much for his participation here; and I thank the originators of this bill.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 2899, the War Bonds

Act of 2001. I urge my colleagues to Support this timely, patriotic measure.

This legislation directs the Secretary of the Treasury to establish a new class of government bonds to finance the Rebuilding effort needed in response to the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001.

Mr. Speaker the barbaric attacks in New York City and Washington on September 11th represent the deadliest act of terrorism ever carried out as well as the first foreign assault on the continental United States since 1814. They claimed more than 5,000 lives and the final cost will be well into the tens of billions of dollars.

These attacks clearly represented an act of war against the United States and on our way of life. For this reason, we are now engaged in sustained military operations in south Asia against the terrorist organization responsible for these attacks and their primary state sponsor.

The response of the American people to these horrible attacks has been stunning and unprecedented in its scope. Hundreds of millions of dollars have been raised by charitable organizations, and the Depth of the American people's generosity appears limitless. Still, there are many who wish to do more.

This legislation provides an excellent opportunity for all Americans to join in this important fight. War bonds were last issued during World War II, where their purchase was seen as a patriotic duty. Between 1941 and 1945 the American people purchased more than \$185 billion in war bonds.

Given the overall public mood since September 11th, as well as the large costs that will be associated with the prosecution of the war on terrorism and the recovery and rebuilding operations in New York and Virginia, this legislation is both timely and appropriate. The American people wish to join their Government in fighting back against terrorism. This legislation will make that participation possible.

Mr. HOUGHTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from New York (Mr. HOUGHTON) that the House suspend the rules and pass the bill, H.R. 2899, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize the Secretary of the Treasury to issue Freedom Bonds in response to the September 11, 2001, hijackings and attacks on the Pentagon and the World Trade Center, and for other purposes."

A motion to reconsider was laid on the table.

BIOTERRORISM ENFORCEMENT ACT OF 2001

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3160) to amend the Antiterrorism and Effective Death Penalty Act of 1996 with respect to the responsibilities of the Secretary of Health and Human Services regarding biological agents

and toxins, and to amend title 18, United States Code, with respect to such agents and toxins.

The Clerk read as follows:

H.R. 3160

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 "Bioterrorism Enforcement Act of 2001".

SEC. 2. EXPANSION OF BIOLOGICAL WEAPONS STATUTE.

(a) SELECT AGENTS.—

(1) IN GENERAL.—Section 175 of title 18, United States Code, is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following subsection:

“(b) SELECT AGENTS.—

“(1) UNSAFE HANDLING.—

“(A) IN GENERAL.—Whoever possesses, uses, or exercises control over a select agent in a manner constituting reckless disregard for the public health and safety, knowing the select agent to be a biological agent or toxin, shall be fined under this title, imprisoned for not more than one year, or both.

“(B) AGGRAVATED OFFENSE.—Whoever, in the course of a violation of subparagraph (A), causes bodily injury to another shall be fined under this title, or imprisoned for not more than 10 years, or both; except that if death results from such violation, the person committing the violation shall be fined under this title, or imprisoned for any term of years or for life, or both.

“(2) UNREGISTERED FOR POSSESSION.—Whoever knowingly possesses a biological agent or toxin where such agent or toxin is a select agent for which such person has not obtained a registration under section 511(f) of the Antiterrorism and Effective Death Penalty Act of 1996 shall be fined under this title, or imprisoned for not more than 5 years, or both.

“(3) TRANSFER TO UNREGISTERED PERSON.—Whoever knowingly transfers a select agent to a person who has not obtained a registration under section 511(e) of the Antiterrorism and Effective Death Penalty Act of 1996 shall be fined under this title, or imprisoned for not more than 5 years, or both.

“(4) RESTRICTED PERSONS.—Whoever is a restricted person and knowingly ships or transports a select agent in interstate or foreign commerce, or knowingly receives a select agent so shipped or transported, or knowingly possesses a select agent in or affecting interstate or foreign commerce, shall be fined under this title, or imprisoned for not more than 5 years, or both. The preceding sentence does not apply with respect to any duly authorized governmental activity under title V of the National Security Act of 1947.”.

(2) DEFINITIONS.—Section 175 of title 18, United States Code, as amended by paragraph (1) of this subsection, is amended by amending subsection (c) to read as follows:

“(c) DEFINITIONS.—As used in this section:

“(1) The terms ‘biological agent’ and ‘toxin’ have the meanings given such terms in section 178, except that, for purposes of subsection (b), such terms do not encompass any biological agent or toxin that is in its naturally occurring environment, if the biological agent or toxin has not been cultivated, cultured, collected, or otherwise extracted from its natural source.

“(2) The term ‘bodily injury’ has the meaning given such term in section 1365.

“(3) The term ‘for use as a weapon’ includes the development, production, trans-

fer, acquisition, retention, or possession of any biological agent, toxin, or delivery system, other than for prophylactic, protective, or other peaceful purposes.

“(4)(A) The term ‘restricted person’ means a person—

“(i) who is described in section 922(g), as such section was in effect on the day before the effective date of this paragraph; or

“(ii) who is an alien, other than an alien lawfully admitted for permanent residence or an alien who under subparagraph (B) is considered not to be a restricted person.

“(B) For purposes of subparagraph (A)(ii):

“(i) An alien is considered not to be a restricted person if the alien is within a category designated under clause (ii) of this subparagraph.

“(ii) The Secretary of Health and Human Services, in consultation with the Attorney General, may designate categories of individuals who have—

“(I) nonimmigrant visas as defined in section 101(a)(26) of the Immigration and Nationality Act; and

“(II) expertise valuable to the United States regarding select agents.

“(5) The term ‘select agent’ means a biological agent or toxin, as defined in paragraph (1), that—

“(A) is on the list that is in effect pursuant to section 511(d)(1) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132); and

“(B) has not been exempted from the applicability of regulations under section 511(e) of such Act.”.

(3) EFFECTIVE DATE REGARDING RESTRICTED PERSONS; REGULATIONS.—

(A) EFFECTIVE DATE.—Section 175(b)(4) of title 18, United States Code, as added by subsection (a)(1)(B) of this section, takes effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act.

(B) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall determine whether the Secretary will designate any categories or individuals for purposes of section 175(c)(4)(B) of title 18, United States Code, as added by subsection (a)(1)(B) of this section. If the Secretary determines that one or more such categories will be designated, the Secretary shall promulgate an interim final rule for purposes of such section not later than 60 days after such date of enactment.

(4) CONFORMING AMENDMENT.—Section 175(a) of title 18, United States Code, is amended in the second sentence by striking “under this section” and inserting “under this subsection”.

(b) AMENDMENTS TO ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996.—

(1) POSSESSION AND USE.—

(A) IN GENERAL.—Section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132) is amended—

(i) by striking subsection (f);

(ii) by redesignating subsection (g) as subsection (i); and

(iii) by inserting after subsection (e) the following subsection:

“(f) POSSESSION AND USE OF LISTED BIOLOGICAL AGENTS AND TOXINS.—

“(1) IN GENERAL.—The Secretary shall by regulation provide for the establishment and enforcement of standards and procedures governing the possession and use of biological agents and toxins listed pursuant to subsection (d)(1) in order to protect the public health and safety, including safeguards to prevent access to such agents and toxins for use in domestic or international terrorism or for any other criminal purpose.

“(2) REGISTRATION.—Regulations under paragraph (1) shall provide for registration