

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

requirements regarding the possession and use of biological agents and toxins listed pursuant to subsection (d)(1).''.

(B) REGULATIONS.—

(i) DATE CERTAIN FOR PROMULGATION; EFFECTIVE DATE REGARDING CRIMINAL AND CIVIL PENALTIES.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate an interim final rule for carrying out section 511(f) of the Antiterrorism and Effective Death Penalty Act of 1996, as added by subparagraph (A) of this paragraph. Such interim final rule takes effect 60 days after the date on which such rule is promulgated, including for purposes of—

(I) section 175(b)(2) of title 18, United States Code (relating to criminal penalties), as added by subsection (a)(1)(B) of this section; and

(II) section 511(h) of the Antiterrorism and Effective Death Penalty Act of 1996 (relating to civil penalties), as added by paragraph (3) of this subsection.

(ii) SUBMISSION OF REGISTRATION APPLICATIONS.—In the case of a person who, as of the date of the enactment of this Act, is in possession of a biological agent or toxin that is listed pursuant to section 511(d)(1) of the Antiterrorism and Effective Death Penalty Act of 1996, such person shall, in accordance with the interim final rule promulgated under clause (i), submit an application for a registration to possess such agent or toxin not later than 30 days after the date on which such rule is promulgated.

(2) DISCLOSURES OF INFORMATION.—

(A) IN GENERAL.—Section 511 of the Antiterrorism and Effective Death Penalty Act of 1996, as amended by paragraph (1) of this subsection, is amended by inserting after subsection (f) the following subsection:

“(g) DISCLOSURE OF INFORMATION.—

“(1) IN GENERAL.—Any information in the possession of any Federal agency that identifies a person, or the geographic location of a person, who is registered pursuant to regulations under this section (including regulations promulgated before the effective date of this subsection), and any site-specific information relating to the type, quantity, or identity of a biological agent or toxin listed pursuant to subsection (d)(1) or the site-specific security mechanisms in place to protect such agents and toxins, shall not be disclosed under section 552(a) of title 5, United States Code.

“(2) DISCLOSURES FOR PUBLIC HEALTH AND SAFETY; CONGRESS.—Nothing in this section may be construed as preventing the head of any Federal agency—

“(A) from making disclosures of information described in paragraph (1) for purposes of protecting the public health and safety; or

“(B) from making disclosures of such information to any committee or subcommittee of the Congress with appropriate jurisdiction, upon request.”.

(B) EFFECTIVE DATE.—The effective date for the amendment made by subparagraph (A) shall be the same as the effective date for the final rule issued pursuant to section 511(d)(1) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132).

(3) CIVIL PENALTIES.—Section 511 of the Antiterrorism and Effective Death Penalty Act of 1996, as amended by paragraphs (1) and (2) of this subsection, is amended by inserting after subsection (g) the following subsection:

“(h) CIVIL PENALTY.—Any person who violates a regulation under subsection (e) or (f) shall be subject to the United States for a civil penalty in an amount not exceeding \$250,000 in the case of an individual and \$500,000 in the case of any other person.”.

(4) CLARIFICATION OF SCOPE OF SELECT AGENT RULE; TERRORISM; RESPONSIBILITIES OF SECRETARY OF HEALTH AND HUMAN SERVICES.—

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

(i) in each of subsections (d) and (e)—

(I) by inserting “and toxins” after “agents” each place such term appears; and

(II) by inserting “or toxin” after “agent” each place such term appears; and

(ii) in subsection (i) (as redesignated by paragraph (1) of this subsection), in paragraph (1), by striking “the term ‘biological agent’ has” and inserting “the terms ‘biological agent’ and ‘toxin’ have”.

(B) EFFECTIVE DATE.—The effective date for the amendments made by subparagraph (A) shall be as if the amendments had been included in the enactment of section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132).

(5) CONFORMING AMENDMENTS.—Section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132) is amended—

(A) in subsection (d)(1)(A), by striking “shall, through regulations promulgated under subsection (f),” and inserting “shall by regulation”;

(B) in subsection (e), in the matter preceding paragraph (1), by striking “shall, through regulations promulgated under subsection (f),” and inserting “shall by regulation”;

(C) in subsection (d)—

(i) in the heading for the subsection, by striking “AGENTS” and inserting “AGENTS AND TOXINS”; and

(ii) in the heading for paragraph (1), by striking “AGENTS” and inserting “AGENTS AND TOXINS”; and

(D) in the heading for subsection (e), by striking “AGENTS” and inserting “AGENTS AND TOXINS”.

(C) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services, after consultation with other appropriate Federal agencies, shall submit to the Congress a report that—

(1) describes the extent to which there has been compliance by governmental and private entities with applicable regulations under section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132), including the extent of compliance before the date of the enactment of this Act, and including the extent of compliance with regulations promulgated after such date of enactment;

(2) describes the future plans of the Secretary for determining compliance with regulations under such section 511 and for taking appropriate enforcement actions; and

(3) provides any recommendations of the Secretary for administrative or legislative initiatives regarding such section 511.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3160.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

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

Mr. Speaker, I rise today to urge the passage by the House of a critically important piece of legislation that was reported out of our committee in the wake of the horrific events of September 11, this bill, the Bioterrorism Enforcement Act of 2001.

While the weapons of choice on that day were airliners full of innocent passengers, rather than the deadly biological agents that we have now come to recognize as parts of this war, the most recent anthrax cases in Florida, New York, Washington, D.C. and elsewhere around the country confirm that this Congress and our Nation ignore the real threat of bioterrorism at our own peril. Unfortunately, for too long we have simply done that.

I imagine it would come as quite a shock to most Americans to learn that even in the midst of the evolving and unprecedented series of anthrax attacks, there are currently no Federal laws or regulations governing who may possess such deadly biological agents and under what conditions they may possess them and for what purposes.

For example, under current law, anyone including convicted felons, foreign nationals from terrorist-sponsoring states, can lawfully possess anthrax or other dangerous bacteria or viruses. They do not have to report such possession. They do not have to seek governmental approval. They do not even have to be legitimate scientists and working in secure laboratories. We have tighter control on the sale of guns in this country than we do on the weapons of mass destruction. We have to change that today.

Mr. Speaker, the only current regulations on the books are those relating to the shipping and transfer of certain biological agents which suffer from poor compliance, and they are very difficult laws to enforce. Indeed, under current Federal law, if the FBI or the local police discover that a suspected terrorist is in possession of anthrax or the plague, for example, the Government can do nothing about it unless it can prove a specific intent to use a biological agent as a weapon, which often is very hard to do before the fact.

Our bill will change that and will give law enforcement the tools that it needs to help prevent further acts of this kind of bioterrorism.

First, the bill will prohibit certain classes of individuals, such as felons, illegal aliens, fugitives and other individuals with questionable backgrounds, from possessing these deadly agents for any reason, with violations punishable as a felony.

Second, it will require that all legitimate researchers who work with such agents obtain a registration from the Health and Human Services Department, which is authorized by this bill to impose and enforce requirements relating to the possession, the use, the handling, the storage and disposal of these agents. This will help to prevent

access to them by criminal and terrorist elements.

Third, it will make the unregistered possession of such agents a Federal felony, without requiring law enforcement to prove intent to use the agent as a weapon, and will increase the current penalty for making an unauthorized transfer of such agents from a Federal misdemeanor to a felony.

Third, this bill will make it a Federal crime to knowingly possess, use or exercise control over one of these deadly agents in a manner that constitutes a reckless disregard of the public health and safety, with increased penalties should actual harm occur from such contact.

Mr. Speaker, all of these provisions are good. They are common sense for deadly and infectious substances, and they are clearly overdue. This bill is crafted on a bipartisan basis and with the input of the Department of Justice, the FBI, the Department of Health and Human Services, and many other interested parties over a long period of time predating September 11. It recently passed the Committee on Energy and Commerce unanimously, with the strong support of the ranking member and cosponsor, the gentleman from Michigan (Mr. DINGELL).

Mr. Speaker, I want to thank the gentleman from Michigan (Mr. DINGELL) and all of my colleagues on the committee for their support and all of their efforts in this area. I urge the entire House to vote quickly to approve this important measure.

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

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

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

Mr. DINGELL. Mr. Speaker, I am pleased to rise in support of the legislation and to commend my good friend, the gentleman from Louisiana (Mr. TAUZIN), for his leadership on this matter.

The bill was reported by the Committee on Energy and Commerce by voice vote on October 3 and was developed on a bipartisan basis. This bill, the Bioterrorism Enforcement Act of 2001, is a good start on more comprehensive legislation to deal with aspects of the threat of bioterrorism which we are now unfortunately facing here in Washington, D.C., in Florida, in New York, in New Jersey and other places in this country.

Recently the National Commission on Terrorism, headed by Jim Gilmore of Virginia, found that the Federal Government had insufficient controls of existing stock of terrorism-friendly pathogens such as anthrax and smallpox. Today, as the chairman has noted, it is perfectly legal for anyone to possess deadly agents like those, and no one needs to be told.

In fact, although there is a law requiring persons possessing the select agents that could be used for biological

warfare to register and take appropriate steps to protect against release when shipping, it only covers the transfer of agents, not the actual possession. As a result, the Centers for Disease Control, CDC, has only incomplete knowledge of who possesses these agents; and there is no real control over the ownership, use, or other things with regard to these agents.

This bill addresses the very problem with serious criminal penalties. It requires that everyone who possesses select agents must register and must also meet CDC's safety and security standards. In effect, that means none of these agents can be possessed legally outside of an approved laboratory. Anybody else who has them will be subject to 5 years in prison.

This provision will not allow anyone, whether they obtained the agent 20 years ago or 20 minute ago, to avoid registering their possession. This legislation not only closes that loophole, but makes it a felony to transfer select agents without registering and establishes criminal penalties for persons who use select agents in a manner that constitutes reckless disregard for the public health and safety and injures people.

We can see in the ongoing investigation of the source of the anthrax that is found in Florida, New York, New Jersey, and now Washington, D.C., that law enforcement has been significantly hampered because there has been no national registry of who holds the various anthrax strains. A similar situation could arise with any kind of select agent, and could do so overnight.

We have established an ambitious schedule for the Department of Health and Human Services to implement this rule, but the legislation needs to be implemented forthwith. The standards for possession are basically those already established for laboratories when they transfer select agents. Establishing a registry for dangerous biological agents and setting strict penalties for the unlawful possession of these agents is only a beginning in our war against bioterrorism.

In the future, we need to improve our national health system to deal with any possible outbreaks of diseases caused by bioterrorism. I commend the chairman for bringing this bill to the floor and urge its adoption.

I would make a couple of private notes here with regard to an experience I had last Saturday. I think it would be good for the House to consider these matters. Enactment of the legislation before us is only the beginning. I would note that the first line of defense is our police and local public safety officials, especially the firemen and people like that in the communities. I would note that there has been inadequate availability of funds on the local level, State level, and Federal level.

I would note that there has been a significant failure of this Congress to ensure that monies which were given to States are passed through to local

levels. I would note that there is an enormous deficiency in funding available to the local units of government to do this work.

Mr. Speaker, the House should know it costs about \$3,000 for each run that the local units of public safety spend when they make a call to address the problems of possible anthrax or other bioterrorism agents.

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I would note that all of the State and local units of government are running out of money. They also are running out of training, and they also are confronting a serious problem where there are no approved labs or insufficient numbers of approved labs to cooperate with them in providing the necessary safety and security or the identification of these agents which are so risky and so dangerous to all of us. I would note that almost all of them are running out of money. All of them are running into serious difficulty with regard to the Federal Government in view of the fact that the Federal Government does not have a program to address those matters and that the Federal Government does not support them financially. The States do not, either. The consequences of this are that if we have an outbreak outside of Washington or in other parts of the country, that there will be very, very serious effects and there will be enormous difficulty in identifying the agent, the hazard, the risk and probably failure to do so in sufficient time to see to it that there is not a significant and more broad outbreak of the disease which is carried by the specific agent. This is a serious matter which requires that the Congress should look into it.

I commend my good friend the chairman of the committee for his leadership in this matter, but I warn my colleagues, we have only begun addressing a matter of the most enormous and serious concern to the whole of the United States.

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

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

Before I yield to the chairman of the Subcommittee on Oversight and Investigations, who has done enormously valuable work on this and other areas of bioterrorism concern, I wanted to comment briefly with my friend the gentleman from Michigan's comments in mind.

The first is that while Congress may not have been in session this weekend, that we nevertheless were at work. Members of the Committee on Energy and Commerce led by the vice chairman, the gentleman from North Carolina (Mr. BURR), visited the CDC this weekend and are issuing a report that I hope all Members of Congress will pay close attention to. We have learned that the Centers for Disease Control is woefully inadequate in terms of its current capabilities to do its work, it is living in 1950s barracks, and we really

need to do some work to enhance and improve their capability of protecting the citizenry of this country, particularly as we come to understand this new threat against our people. We are going to at the Committee on Energy and Commerce very shortly bring to the Congress an authorization hopefully to bring the CDC up to date, modernize it and equip it properly to make sure that it can, in fact, assist our country in this time of need.

In light of that, I am about to recognize the chairman of the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce, who very coincidentally had scheduled a hearing on bioterrorism for September 11 of this year and who canceled that hearing, of course, as those events of that day unfolded. He has since held those hearings and this bill before Members today is part of the result of that and other hearings our committee has conducted over the years on this important issue.

Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD), the chairman of the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce.

Mr. GREENWOOD. I thank the chairman of the committee for yielding time.

Mr. Speaker, as chairman of the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce, I rise to offer my strong support for the Bioterrorism Enforcement Act of 2001. This legislation grew out of an oversight hearing held by the committee in May of 1999 which exposed serious gaps in our Federal criminal and regulatory laws governing deadly biological agents, such as anthrax, the plague, smallpox and botulism toxin.

If anyone ever doubted the need for tighter controls on these agents, the tragic events of the past several weeks should put any such doubts to rest once and for all. Because these agents can be so deadly if they fall into the wrong hands, the Federal Government has a responsibility to ensure that only those individuals with a legitimate need to possess and work with such agents can do so. At the same time, we must ensure that the important research work going on with these agents, to develop vaccines or other treatments, for example, can continue, with appropriate safeguards.

I would like to elaborate on this point with respect to the bill's prohibition on certain classes of foreign nationals from accessing such agents here in the United States. The bill prohibits all aliens from doing so, with the exception of those lawfully admitted here for permanent residence. I understand that many in the pharmaceutical, research and academic communities rely on foreign nationals to conduct research, although it is unclear how many of these foreigners actually work with the most deadly agents covered by

this bill. I know that some in those communities would want us to limit the prohibition to only those foreigners from terrorist-sponsoring states. The problem with that approach is that very few states are on that list, and it does not include many of the nations whose nationals were represented among the September 11 hijackers.

Nevertheless, the bill contains a provision that would grant the Secretary of the Health and Human Services Department, in consultation with the Attorney General, the ability to issue waivers for certain aliens or classes of aliens that would otherwise be restricted under this bill if the Secretary determines that such waivers would be in the best interests of the United States. I believe that is a fair compromise.

I would also like to mention one other aspect of this bill that I think is very important. The bill contains a provision that would exempt from mandatory disclosure under the Freedom of Information Act certain information collected under this new regulatory regime, such as the locations of those agents or the identity of those working with them. This is a narrow exception to the otherwise free flow of unclassified information, one that is warranted by the sensitive nature of this data, and is similar to what this Congress did 2 years ago with respect to worst-case chemical accident data collected by the Environmental Protection Agency. Again, this represents a fair compromise among the competing interests at issue here.

I thank the gentleman for yielding time for me to speak on this important, and unfortunately very timely, issue. I am honored to have worked with the gentleman on the legislation that the House will consider today.

Mr. DINGELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume to thank my friend again for the extraordinary cooperation across the aisle that we received on this and so many important pieces of legislation that the Committee on Energy and Commerce produces for this country. I want to thank him again for that excellent cooperation.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, the gentleman and I have established a rather remarkable record of cooperation in the Committee on Energy and Commerce. I want to express my appreciation and commendations to my good friend.

Mr. TAUZIN. On behalf of my friend before I yield back, I think we all ought to take a moment to think about the folks in this town, the two postal workers who have recently passed away which in fact may have been a direct result of some of these anthrax at-

tacks on this city. As we think about them and the others who are currently under treatment and currently in danger, I personally again want to thank the leadership of both parties in this House for the care and concern they have shown for all the workers, all the guests we invite to these Capitol buildings and all the participants in this governmental process for making sure that the buildings are properly swept before we invite our workers and our friends who come to Washington to testify and to be part of our hearings back into those buildings. Would that the postal office had known to show the same degree of care, perhaps we would have saved a few lives in this city.

I want to thank the gentleman from Michigan (Mr. DINGELL) again and Members on his side for the extraordinary cooperation we have all shown to one another in this crisis that America faces. It was often said, I think by Tip O'Neill, that partisanship ends at the water's line. The water's line is now closer to home. I am pleased to know that so many Members of this House recognize that and work together in such a united fashion for the good of our country and for the safety of our people. I want to thank him again, and I urge the passage of this very important legislation.

Mr. GILMAN. Mr. Speaker, I rise today in support of the Bioterrorism Enforcement Act of 2001. As we in Congress are in the midst of conducting environmental tests in our offices of biological agents, it is indeed timely that we bring this legislation to the House floor today.

This act will set criminal penalties for the unsafe and illegal possession or transfer of the biological agents and toxins over which the Anti-Terrorism and Effective Death Penalty Act of 1996 established control. The measure makes it a crime for individuals who are legally licensed to possess such materials to handle them in reckless disregard for public health and safety.

In general, unsafe handling of these agents and toxins will result in a fine and a year in prison. Incidents causing bodily harm to another person will result in a prison term of up to 10 years, while those causing death may result in a life sentence. Persons who are not authorized to possess or transfer an agent or toxin are subject to fines and up to 5 years in prison. "Restricted" individuals (such as aliens with non-immigration visas) transporting, shipping or receiving agents and toxins face similar 5 year sentences and fines. If necessary, HHS and the Department of Justice may waive such restrictions.

In addition to new criminal penalties, this act will require HHS to promulgate new standards and procedures governing the possession, use, and transfer of controlled agents and toxins. The new rules must require all individuals and groups who possess these agents and toxins to report their possessions to HHS. The new rules also must establish precautions preventing agents and toxins from being accessed for terrorist activities. Based on HHS evaluation of each substance's public risk, the department will be allowed to establish different levels of registration, handling and security requirements for each type of agents

and toxins. Violation of the new rules will result in a civil penalty of up to \$250,000 for individuals and \$500,000 for others.

I urge all of my colleagues to support this important legislation.

Mr. TAUZIN. 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 Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 3160.

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. TAUZIN. 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.

DISABLED VETERANS SERVICE DOG AND HEALTH CARE IMPROVEMENT ACT OF 2001

Mr. MORAN of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2792) to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to make service dogs available to disabled veterans and to make various other improvements in health care benefits provided by the Department of Veterans Affairs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2792

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Disabled Veterans Service Dog and Health Care Improvement Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—VETERANS HEALTH CARE IMPROVEMENT

Sec. 101. Authorization for Secretary of Veterans Affairs to provide service dogs for disabled veterans.

Sec. 102. Maintenance of capacity for specialized treatment and rehabilitative needs of disabled veterans.

Sec. 103. Threshold for veterans health care eligibility means test to reflect locality cost-of-living variations.

Sec. 104. Assessment and report on special telephone services for veterans.

Sec. 105. Recodification of bereavement counseling authority and certain other health-related authorities.

Sec. 106. Extension of expiring collections authorities.

Sec. 107. Personal emergency response system for veterans with service-connected disabilities.

TITLE II—CHIROPRACTIC SERVICES PROGRAM

Sec. 201. Chiropractic Service established in the Veterans Health Administration.

Sec. 202. Availability of chiropractic care to veterans.

Sec. 203. Chiropractic providers.

Sec. 204. Scope of services; enrollment.

Sec. 205. Training and information.

Sec. 206. Advisory committee.

Sec. 207. Implementation report.

TITLE III—NATIONAL COMMISSION ON VA NURSING

Sec. 301. Establishment of Commission.

Sec. 302. Duties of Commission.

Sec. 303. Reports.

Sec. 304. Powers.

Sec. 305. Personnel matters.

Sec. 306. Termination of the Commission.

TITLE I—VETERANS HEALTH CARE IMPROVEMENT

SEC. 101. AUTHORIZATION FOR SECRETARY OF VETERANS AFFAIRS TO PROVIDE SERVICE DOGS FOR DISABLED VETERANS.

(a) AUTHORITY.—Section 1714 of title 38, United States Code, is amended—

(1) in subsection (b)—

(A) by striking "seeing-eye or" the first place it appears;

(B) by striking "who are entitled to disability compensation" and inserting "who are enrolled under section 1705 of this title";

(C) by striking ", and may pay" and all that follows through "such seeing-eye or guide dogs"; and

(D) by striking "handicap" and inserting "disability"; and

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

"(c) The Secretary may, in accordance with the priority specified in section 1705 of this title, provide—

"(1) service dogs trained for the aid of the hearing impaired to veterans who are hearing impaired and are enrolled under section 1705 of this title; and

"(2) service dogs trained for the aid of persons with spinal cord injury or dysfunction or other chronic impairment that substantially limits mobility to veterans with such injury, dysfunction, or impairment who are enrolled under section 1705 of this title.

"(d) In the case of a veteran provided a dog under subsection (b) or (c), the Secretary may pay travel and incidental expenses for that veteran under the terms and conditions set forth in section 111 of this title to and from the veteran's home for expenses incurred in becoming adjusted to the dog."

(b) CLERICAL AMENDMENTS.—

(1) The heading for such section is amended to read as follows:

"§1714. Fitting and training in use of prosthetic appliances; guide dogs; service dogs".

(2) The item relating to such section in the table of sections at the beginning of chapter 17 of such title is amended to read as follows:

"1714. Fitting and training in use of prosthetic appliances; guide dogs; service dogs."

SEC. 102. MAINTENANCE OF CAPACITY FOR SPECIALIZED TREATMENT AND REHABILITATIVE NEEDS OF DISABLED VETERANS.

(a) MAINTENANCE OF CAPACITY ON A SERVICE-NETWORK BASIS.—Section 1706(b) of title 38, United States Code, is amended—

(2) in paragraph (1)—

(A) in the first sentence, by inserting "(and each geographic service area of the Veterans Health Administration)" after "ensure that the Department"; and

(B) in clause (B), by inserting "(and each geographic service area of the Veterans Health Administration)" after "overall capacity of the Department"; and

(2) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively;

(3) by inserting after paragraph (1) the following new paragraphs (2) and (3):

"(2) For purposes of paragraph (1), the capacity of the Department (and each geographic service area of the Veterans Health Administration) to provide for the specialized treatment and rehabilitative needs of disabled veterans (including veterans with spinal cord dysfunction, traumatic brain injury, blindness, prosthetics and sensory aids, and mental illness) within distinct programs or facilities shall be measured for seriously mentally ill veterans as follows (with all such data to be provided by geographic service area and totaled nationally):

"(A) For mental health intensive community-based care, the number of discrete intensive care teams constituted to provide such intensive services to seriously mentally ill veterans and the number of veterans provided such care.

"(B) For opioid substitution programs and for traumatic brain injury, the number of patients treated annually and the amounts expended.

"(C) For dual-diagnosis patients, the number treated annually and the amounts expended.

"(D) For substance abuse programs—

"(i) the number of substance-use disorder beds (whether hospital, nursing home, or other designated beds) employed and the average bed occupancy of such beds;

"(ii) the percentage of unique patients admitted directly to substance abuse outpatient care during the fiscal year who had two or more additional visits to specialized substance abuse outpatient care within 30 days of their first visit, with a comparison from 1996 until the date of the report;

"(iii) the percentage of unique inpatients with substance abuse diagnoses treated during the fiscal year who had one or more specialized substance abuse clinic visits within three days of their index discharge, with a comparison from 1996 until the date of the report; and

"(iv) the percentage of unique outpatients seen in a facility or service network during the fiscal year who had one or more specialized substance abuse clinic visits, with a comparison from 1996 until the date of the report.

"(E) For mental health programs, the number and type of staff that are available at each facility to provide specialized mental health treatment, including satellite clinics, outpatient programs, and community-based outpatient clinics, with a trend line comparison from 1996 to the date of the report.

"(F) The number of such clinics providing mental health care, the number and type of mental health staff at each such clinic, and the type of mental health programs at each such clinic.

"(3) For purposes of paragraph (1), the capacity of the Department (and each geographic service area of the Veterans Health Administration) to provide for the specialized treatment and rehabilitative needs of disabled veterans within distinct programs or facilities shall be measured for veterans with spinal cord dysfunction, traumatic brain injury, blindness, or prosthetics and sensory aids as follows (with all such data to be provided by geographic service area and totaled nationally):

"(A) For spinal cord injury/dysfunction specialized centers and for blind rehabilitation specialized centers, the number of staffed beds and the number of full-time equivalent employees assigned to provide care at such centers.

"(B) For prosthetics and sensory aids, the annual amount expended."

(b) EXTENSION OF ANNUAL REPORT REQUIREMENT.—Paragraph (3) of such section, as so redesignated, is amended—