S. 556

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

S. 697

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. 1067

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1067, a bill to amend the Internal Revenue Code of 1986 to expand the availability of Archer medical savings accounts.

S. 1119

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1119, a bill to require the Secretary of Defense to carry out a study of the extent to the coverage of members of the Selected Reserve of the Ready Reserve of the Armed Forces under health benefits plans and to submit a report on the study of Congress, and for other purposes.

S. 1379

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1578

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1578, a bill to preserve the continued viability of the United States travel industry.

S. 1663

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

S. 1678

At the request of Mr. MCCAIN, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1678, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services or the Foreign Service shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 1679

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1679, a bill to amend title XVIII of the Social Security Act to accelerate the reduction on the amount of beneficiary copayment liability for medicare outpatient services.

S. 1707

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 1707, supra.

At the request of Mr. JEFFORDS, the names of the Senator from Utah (Mr. HATCH), the Senator from Illinois (Mr. FITZGERALD), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1707, supra.

S. 1738

At the request of Mr. KERRY, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1738, a bill to amend title XVIII of the Social Security Act to provide regulatory relief, appeals process reforms, contracting flexibility, and education improvements under the medicare program, and for other purposes.

S. 1745

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

S. 1752

At the request of Mr. CORZINE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1752, a bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV and other sexually transmitted diseases.

S. 1765

At the request of Mr. FRIST, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Michigan (Mr. LEVIN), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1765, a bill to improve the ability of the United States to prepare for and respond to a biological threat or attack.

S.J. RES. 29

At the request of Mr. HATCH, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S.J. Res. 29, a joint resolution amending title 36, United States Code, to designate September 11 as Patriot Day.

AMENDMENT NO. 2157

At the request of Mr. MCCAIN, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of amendment No. 2157 intended to be proposed to H.R. 3090, a bill to provide tax incentives for economic recovery.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself and Mr. BINGAMAN):

S. 1766. A bill to provide for the energy security of the Nation, and for other purposes; read the first time.

Mr. JOHNSON. Mr. President, I rise in strong support of the comprehensive energy bill that is being introduced today.

As we all know, there has been a great deal of discussion this year about the nation's energy situation. The increasing volatility in gasoline and diesel prices and the growing tension in the world from the terrorist attacks have affected all of us. There is a clear need for energy policies that ensure long term planning, homeland security, fuel diversity and a focus on new technologies.

To this end, I am very pleased that a comprehensive energy bill has been introduced in the Senate by my South Dakota colleague, Senator TOM DASCHLE. The bill is the result of many months of hard work by the Majority Leader and the chairmen of the committees of jurisdiction, including Senator JEFF BINGAMAN, the chairman of the Energy Committee, of which I am a member. They have listened to the concerns of both those who run our energy systems and our constituents in crafting the legislation. The result is a balanced and thorough product that addresses most of the major segments of the energy system and looks ahead to the needs of future.

The bill covers a number of important areas, including incentives to increase oil and gas production and the nation's supplies of traditional fuels, streamlining of electricity systems and regulations, important environmental and conservation measures, and provisions to increase efficiency of vehicles and appliances.

One of the key provisions in the bill is the inclusion of a renewable fuels standard. Earlier this year, I introduced a bill with Senator CHUCK HAGEL of Nebraska, the Renewable Fuels for Energy Security Act of 2001 (S. 1006), to ensure future growth for ethanol and biodiesel through the creation of a new renewable fuels content standard in all motor fuel produced and used in the U.S. I am pleased the framework of this bill is included in the comprehensive energy legislation.

Today, ethanol and biodiesel comprise less than one percent of all transportation fuel in the United States. 1.8 billion gallons is currently produced in the U.S. The energy bill's language

would require that five billions gallons of transportation fuel be comprised of renewable fuel by 2012—nearly a tripling of the current ethanol and renewable fuel production.

There are great benefits of ethanol and renewable fuels for the environment and the economies of rural communities. We have many ethanol plants in South Dakota and more are being planned. These farmer-owned ethanol plants in South Dakota, and in neighboring states, demonstrate the hard work and commitment to serve a growing market for clean domestic fuels.

Based on current projections, construction of new plants will generate $900 million in capital investment and tens of thousands of construction jobs to rural communities. For corn farmers, the price of corn is expected to rise between 20 and 30 cents per bushel. Farmers will have the opportunity to invest in these ethanol plants to capture a greater piece of the ''value chain.''

Combine this with the provisions of the energy bill and the potential economic impact for South Dakota is tremendous. Today, 3 ethanol plants in South Dakota (Broins in Scotland and Heartland Grain Fuels in Aberdeen and Huron) produce nearly 30 million gallons per year. With the enactment of a renewable fuels standard, the production in South Dakota could grow substantially, with at least 2000 farmers owning ethanol plants and producing 200 million gallons of ethanol per year or more.

An important but under-emphasized fuel is biodiesel, which is chiefly produced from excess soybean oil. We all know that soybean prices are hovering near historic lows. Biodiesel production is small but has been growing steadily. The renewable fuels standard would greatly increase the prospects for biodiesel production and benefit soybean farmers from South Dakota and other states.

Moreover, the enactment of a renewable fuels standards would greatly increase the nation's energy security. Greater usage of renewable fuels would displace the level of foreign oil that we currently use. During these difficult times, it is imperative that we find ways to improve the nation's energy security and reduce our dependence on foreign oil. A renewable fuels standard would go a long way towards achieving this goal.

The House passed an energy bill without any provisions for a renewable fuels standard. Moreover, the House looks backward by focusing too heavily on tax breaks for traditional fuel supplies without enough encouragement for new technologies and provisions that will reduce our dependency on foreign oil. The Senate bill achieves the right balance for the nation's future. I commend Senators DASCHLE and BINGAMAN for their efforts and look forward to enacting the bill.

Mr. HOLLINGS. Mr. President, I want to thank Senator BINGAMAN and Senator DASCHLE for their leadership on the introduction of a comprehensive energy bill today, the Energy Policy Act of 2001. This bill has many components, and it required a great deal of coordination and effort to compile pieces that address issues that cut across committee lines. I appreciate their efforts in this regard.

As chairman of the Committee on Commerce, Science, and Transportation, I am particularly pleased to see several areas of coverage in the bill. This bill incorporates many climate science and technology provisions from a bill Senators KERRY, STEVENS, INOUYE, AKAKA, and I recently introduced, S. 1716, the Global Climate Change Act of 2001. These provisions will improve our climate monitoring, measurement, research, and technology so that we are better able to discern climate change, understand its patterns, and manage its effects. In addition, it contains provisions that would establish a service to provide expert, unbiased technology advice to Congress, which we have sorely lacked since the Office of Technology Assessment was abolished in 1995.

In addition, there is a placeholder in the bill for a CAFE provision. In 1975, I co-sponsored the legislation that became the current CAFE law. I was also very involved in efforts during the 101st and 102nd Congresses to increase CAFE standards. I am pleased to report that the Commerce Committee is again taking up the issue of fuel economy standards. In fact, we will be holding a hearing on this topic tomorrow morning.

The Committee is embarking on a process to develop a strong and technically feasible CAFE proposal that will strengthen our domestic and economic security. Such a provision must achieve oil savings to reduce our petroleum consumption and dependence on imported oil. It also must ensure that our automotive industry remains technically competitive. This is quite a challenge, but it is an issue that must be addressed.

The CAFE measures originally arose out of concern for the nation's energy security following the oil crisis of the early 1970s. When the U.S. first pursued CAFE, imported oil accounted for 36 percent of the nation's oil use; today imported oil accounts for 56 percent of U.S. oil use. Twenty-eight percent of our nation's total oil consumption is used in the transportation sector.

Since CAFE was implemented in 1975, we have seen an approximate doubling in the fuel economy of the nation's vehicle fleet. In 2000 alone, we saved over 3 million barrels of oil per day because of the fuel economy gains made since the mid-1970s. Clearly, a comprehensive energy policy must incorporate provisions to reduce energy use in the transportation sector—a goal that I believe can best be achieved by using technological advances to boost the fuel economy of passenger vehicles.

I appreciate that Senator BINGAMAN and Senator DASCHLE recognized the complexity of CAFE issues. I look forward to reporting back in a few months with a solid piece of legislation, compiled through the entire Commerce Committee, to fill the current placeholder in the energy bill.

By Mr. KENNEDY (for himself and Mr. MCCAIN):

S. 1767. A bill to amend title 38, United States Code, to provide that certain service in the American Field Service ambulance corps shall be considered active duty for the purposes of all laws administered by the Secretary of Veterans' Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. KENNEDY. Mr. President, it's a privilege to join Senator MCCAIN in introducing the American Field Service Recognition Act to correct the long-standing injustice suffered by these courageous World War II veterans who saved the lives of so many American and Allied service members, but who have long been denied the veterans benefits that they need and deserve.

The American Field Service was a corps of nearly 2200 Americans, who drove ambulances into combat zones where American and Allied troops fought between 1939 and 1945. Twenty-seven were killed, seventy-one were wounded, and at least twenty-three were captured during that time.

The AFS members were volunteers who wanted to contribute to the war effort, but many were ineligible for service in the U.S. Armed Forces because of their age or their physical disability. The AFS received substantial support from the American government and its personnel were assigned in the theaters of North Africa, Western Europe, and India-Burma. During the war, the AFS evacuated approximately 700,000 wounded on these fronts.

Their application under a 1970's law for veterans' benefits was finally, but only partially, approved in 1990. The request for eligibility was that each AFS driver must have served under direct U.S. Army command during prescribed periods of time. The result was to exclude AFS drivers who served in France and North Africa before January 1943, half of the drivers who served in Italy, and all who served in the India-Burma Theater. Overall, because of this narrow interpretation of the law, fifty percent of the drivers who served under fire were denied benefits given to other drivers who served in other combat regions.

Sadly, AFS drivers are passing away at an increasingly rapid rate. There are currently 631 living drivers from World War II on the AFS roster, and 198 of them are still ineligible for benefits, including six who have recently passed away without access to VA medical care. Clearly, these courageous veterans, such as Clifford Bissler of Stuart, FL, who lost a leg and received two Purple Hearts for his service in the India-Burma Theater, deserve the help and recognition that this legislation will bring.

In 1943, President Roosevelt wrote to the leader of AFS and said of the drivers, ''In serving our allies, they serve America.'' It is long, long past time for Congress to finally recognize the contributions of all of these dedicated Americans who served during World War II, granting them the veteran's benefits and assistance that they very much need and deserve. If you would like to cosponsor this bill, please contact us or have your staff contact Duane Seward at 224–2008.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1768. A bill to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, today I am introducing a bill to authorize the CALFED Bay Delta Program. I am pleased that Senator BOXER has agreed to co-sponsor this bill with me. The bill that I am introducing today is also supported by Senator BINGAMAN, the chairman of the Senate Energy and Natural Resources Committee. He has committed to helping move this bill through his committee and hopefully through the Senate.

The most important thing about this new bill is that it fully authorizes the CALFED Record of Decision and all the projects associated with it with Federal costs of less than $10 million. Any projects of more than $10 million that are ready to be constructed will be reported to the authorizing committees in a package every 2 years.

This bill authorizes $2.4 billion to cover the one-third Federal share of the CALFED program. The State and water users will each be responsible for the other two-thirds.

California's population is 35 million today and could reach 50 million within the next 20 years. There simply is not enough water in the system to meet the future demand. CALFED is the best hope we have to increase our water supply, preserve the environment and protect against a water emergency. I don't believe we can wait any longer.

Mrs. BOXER. I am very pleased to be joining Senator FEINSTEIN today in the introduction of a bill that will help address California's water needs. We have worked closely together on this effort over the last year and I believe that this bill will help the CALFED program move forward in the right direction.

In California, as in many parts of the West, water is our lifeblood. For decades, water allocation was conducted through endless appeals and lawsuits, and divisive ballot initiatives. Such battles were painful and, they prevented us from finding real solutions to our state's very real water problems.

In 1994, a new state-federal partnership program called CALFED promised a better way—a plan to provide reliable, clean water to farms, businesses, and millions of Californians while at the same time restoring our fish, wildlife and environment. What has made CALFED work is that it employs a consensus approach that balances the needs of these various interests.

This bill stays true to that balanced approach. It authorizes the continuation of the CALFED program over the next 5 years and provides for a federal contribution of $2.4 billion over that time period. The bill requires that the CALFED program goals of protecting drinking water quality, restoring ecological health, improving water supply reliability, and protecting Delta levees progress in a balanced manner. The bill describes a detailed set of reports that should be provided to Congress prior to approving any project costing over $10 million. This reporting process is designed to ensure that major projects are not approved until the environmental and economic impacts are clearly understood.

I believe CALFED offers the best hope for ending California's intractable water wars. This bill will ensure that the CALFED program can continue its good work.

By Mrs. BOXER:

S. 1769. A bill to authorize the Secretary of the Army to carry out a project for flood protection and ecosystem restoration for Sacramento, California, and for other purposes; to the Committee on Environment and Public Works.

Mrs. BOXER. S. 1769, Mr. President, I am introducing a bill to improve flood protection in Sacramento. This is a companion bill to one that Representative MATSUI is introducing today in the House.

Currently, Sacramento only has an 85-year flood protection. This bill would raise the existing walls of Folsom Dam by 7 feet, which would improve flood protection to 213 years. Without this improvement, $40 billion of property, including the California State Capitol, 6 major hospitals, 26 nursing home facilities, over 100 schools, three major freeway systems, and approximately 160,000 homes and apartments, are at risk of a devastating flood.

For a city of its size, Sacramento falls shockingly below the 400 year-level of flood protection enjoyed by other river cities such as St. Louis, Tacoma, Dallas, and Kansas City. The Folsom mini raise is the critical next step in providing Sacramento with an adequate level of flood protection.

Next year, the Environment and Public Works Committee, of which I am a member, will reauthorize the Water Resources and Development Act. I hope this bill will be included as part that legislation.

By Mr. LEAHY:

S. 1770. A bill to implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I rise to introduce the Terrorist Bombing Convention Implementation Act of 2001 and the Suppression of the Financing of Terrorism Convention Implementation Act of 2001. This bill would bring the United States into indisputable and immediate compliance with two important international conventions, which were signed by the United States and transmitted to the U.S. Senate for ratification by President Clinton. Both Conventions were entered into after the terrorist bombings at the United States embassies in Kenya and Tanzania. The bill also contains a provision which would enhance the ability of law enforcement authorities to work with their foreign counterparts in fighting sophisticated international criminal organizations by sharing wiretap information when appropriate.

The International Convention for the Suppression of Terrorist Bombings, ''Bombing Convention'', was adopted by the United Nations General Assembly in December 1997 and signed by the United States in January 1998. In September 1999, it was transmitted to the Senate by President Clinton for ratification.

The International Convention for the Suppression of Financing Terrorism, ''Financing Convention'', was adopted by the United Nations General Assembly in December 1999 and signed by the United States in January 2000. In October 2000, it was transmitted to the Senate by President Clinton for ratification.

Under the chairmanship of Senator BIDEN, the Foreign Relations Committee has moved expeditiously to report these conventions to the full Senate. Once ratified, they should be swiftly implemented. The passage of the proposed implementing legislation which I introduce today would ensure that the United States is in immediate compliance with these international obligations relating to terrorism.

Both conventions require signatory nations to adopt criminal laws prohibiting specified terrorist activities in order to create a regime of universal jurisdiction over certain crimes. Articles 2 and 4 of the Bombing Convention require signatory countries to criminalize the delivery, placement, discharge or detonation of explosives and other lethal devices, ''in, into, or against'' various defined public places with the intent to kill, cause serious bodily injury, or extensively damage such public places. The Bombing Convention also requires that signatories criminalize aiding and abetting, attempting, or conspiring to commit such crimes.

Articles 2 and 4 of the Financing Convention require signatory countries to

criminalize willfully ''providing or collecting'' funds, directly or indirectly, with knowledge that they are to be used to carry out acts which either 1. violate nine enumerated existing treaties, or 2. are aimed at killing or injuring civilians with the purpose of intimidating a population or compelling a government to do any act. The Financing Convention also requires that signatories criminalize aiding and abetting, attempting, or conspiring to commit such crimes. Signatories must criminalize such acts under Article 2 whether or not ''the funds were actually used to carry out'' such an offense.

Both conventions require that signatory nations exercise limited extraterritorial jurisdiction and extradite or prosecute those who commit such crimes when found inside their borders. The conventions also require that signatories ensure that, under their domestic laws, political, religious, ideological, racial or other similar considerations are not a justification for committing the enumerated crimes. Thus, signatory nations will not be able to assert such bases to deny an extradition request for a covered crime. Finally, Article 4 of each convention requires that signatory states make the covered offenses ''punishable by appropriate penalties which take into account the grave nature of [the] offenses.''

This proposed implementation legislation, consistent with the House version of this bill, H.R. 3275, creates two new crimes, one for bombings and another for financing terrorist acts, that would track precisely the language in the treaties, and bring the United States into undisputed compliance. The bill would also provide extraterritorial jurisdiction as required by the conventions. Furthermore the bill would create domestic jurisdiction for these crimes in limited situations where a national interest is implicated, while excluding jurisdiction over acts where the convention does not require such jurisdiction and there is no distinct federal interest served.

The bill, again consistent with the H.R. 3275, also contains ''ancillary provisions'' that would make the two new crimes predicates for money laundering charges, wiretaps, RICO charges, an 8-year statute of limitations, include them as ''federal crimes of terrorism,'' and make civil asset forfeiture available for the new terrorism financing crime. Existing laws which relate to similar crimes are predicates for each of these tools, and providing law enforcement with these ancillary provisions is both consistent and appropriate.

Neither international convention requires a death penalty provision for any covered crime, and the Department of Justice has provided a memorandum to Congress, in response to a request for its views, that such a provision would not be required to bring the United States into compliance. This should come as no surprise, given international sentiment opposing the United States' use of the death penalty in other contexts. Indeed, the inclusion of a death penalty provision in the implementing legislation for these conventions could lead to complications in extraditing individuals to the United States from countries that do not employ the death penalty. Therefore, unlike the House version of the implementing legislation, the Senate version contains no new death penalty provision.

Unlike H.R. 3275, the bill does not contain a third crime for ''concealment'' of material support for terrorists. The Department of Justice has conceded in the memorandum which it provided to Congress that this provision is not necessary to bring the United States into compliance with the conventions. Indeed, in the wake of the passage of similar provisions in the USA Patriot Act, P.L. No. 107–56, such legislation is not needed. Furthermore, although a similar provision is currently set forth in 18 U.S.C. §2339A, the House bill provides a lower *mens rea* requirement than that law; an important change which was not highlighted in the Administration materials provided explaining the proposal.

Finally, the Senate bill contains an important new tool for international cooperation between law enforcement which is not included in H.R. 3275. Currently, there is no clear statutory authority which allows domestic law enforcement agents to share Title III wiretap information with foreign law enforcement counterparts. This may create problems when, for example, the DEA wants to alert Colombian authorities that a cocaine shipment is about to leave a Colombian port but the information is derived from a Title III wiretap.

This bill would clarify the authority for sharing wiretap derived information, specifically in the Title III context. The bill provides a clear mechanism through which law enforcement may share wiretap information with foreign law enforcement, while at the same time ensuring that there are appropriate safeguards to protect this sensitive information against misuse. It adds a subsection to 18 U.S.C. §2517, that permits disclosure of wiretap information to foreign officials (1) with judicial approval, (2) in such a manner and under such conditions as a court may direct, and (3) consistent with Attorney General guidelines on how the information may be used to protect confidentiality. This clarification will provide an additional tool to investigate international criminal enterprises and to seek the assistance of foreign law enforcement in our efforts.

For all of these reasons, I am pleased to introduce this legislation and I urge its swift enactment into law.

I ask unanimous consent that the text of the bill be printed in the RECORD, along with the sectional analysis.

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

S. 1770

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

TITLE I—SUPPRESSION OF TERRORIST BOMBINGS

SEC. 101. SHORT TITLE.

This title may be cited as the ''Terrorist Bombings Convention Implementation Act of 2001''.

SEC. 102. BOMBING STATUTE.

(a) OFFENSE.—Chapter 113B of title 18, United States Code, relating to terrorism, is amended by adding at the end thereof the following new section:

''§2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities

''(a) OFFENSES.—

''(1) IN GENERAL.—Whoever unlawfully delivers, places, discharges, or detonates an explosive or other lethal device in, into, or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility—

''(A) with the intent to cause death or serious bodily injury, or

''(B) with the intent to cause extensive destruction of such a place, facility, or system, where such destruction results in or is likely to result in major economic loss, shall be punished as prescribed in subsection (c).

''(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (c).

''(b) JURISDICTION.—There is jurisdiction over the offenses in subsection (a) if—

''(1) the offense takes place in the United States and—

''(A) the offense is committed against another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

''(B) the offense is committed in an attempt to compel another state or the United States to do or abstain from doing any act;

''(C) at the time the offense is committed, it is committed—

''(i) on board a vessel flying the flag of another state;

''(ii) on board an aircraft which is registered under the laws of another state; or

''(iii) on board an aircraft which is operated by the government of another state;

''(D) a perpetrator is found outside the United States;

''(E) a perpetrator is a national of another state or a stateless person; or

''(F) a victim is a national of another state or a stateless person;

''(2) the offense takes place outside the United States and—

''(A) a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;

''(B) a victim is a national of the United States;

''(C) a perpetrator is found in the United States;

''(D) the offense is committed in an attempt to compel the United States to do or abstain from doing any act;

''(E) the offense is committed against a state or government facility of the United States, including an embassy or other diplomatic or consular premises of the United States;

''(F) the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed; or

''(G) the offense is committed on board an aircraft which is operated by the United States.

''(c) PENALTIES.—Whoever violates this section shall be imprisoned for any term of years or for life.

''(d) EXEMPTIONS TO JURISDICTION.—This section does not apply to—

''(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law,

''(2) activities undertaken by military forces of a state in the exercise of their official duties; or

''(3) offenses committed within the United States, where the alleged offender and the victims are United States citizens and the alleged offender is found in the United States, or where jurisdiction is predicated solely on the nationality of the victims or the alleged offender and the offense has no substantial effect on interstate or foreign commerce.

''(e) DEFINITIONS.—As used in this section, the term—

''(1) 'serious bodily injury' has the meaning given that term in section 1365(g)(3) of this title;

''(2) 'national of the United States' has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

''(3) 'state or government facility' includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of Government, the legislature or the judiciary or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties;

''(4) 'intergovernmental organization' includes international organization (as defined in section 1116(b)(5) of this title);

''(5) 'infrastructure facility' means any publicly or privately owned facility providing or distributing services for the benefit of the public, such as water, sewage, energy, fuel, or communications;

''(6) 'place of public use' means those parts of any building, land, street, waterway, or other location that are accessible or open to members of the public, whether continuously, periodically, or occasionally, and encompasses any commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational, or similar place that is so accessible or open to the public;

''(7) 'public transportation system' means all facilities, conveyances, and instrumentalities, whether publicly or privately owned, that are used in or for publicly available services for the transportation of persons or cargo;

''(8) 'explosive' has the meaning given in section 844(j) of this title insofar that it is designed, or has the capability, to cause death, serious bodily injury, or substantial material damage;

''(9) 'other legal device' means any weapon or device that is designed or has the capability to cause death, serious bodily injury, or substantial damage to property through the release, dissemination, or impact of toxic chemicals, biological agents, or toxins (as those terms are defined in section 178 of this title) or radiation or radioactive material;

''(10) 'military forces of a state' means the armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces who are under their formal command, control, and responsibility;

''(11) 'armed conflict' does not include internal disturbances and tensions, such as riots, isolated, and sporadic acts of violence, and other acts of a similar nature; and

''(12) 'state' has the same meaning as that term has under international law, and includes all political subdivisions thereof.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by adding at the end thereof the following:

''2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities.''.

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the applicability of any other Federal or State law which might pertain to the underlying conduct.

SEC. 103. EFFECTIVE DATE.

Section 102 shall take effect on the date that the International Convention for the Suppression of Terrorist Bombings enters into force for the United States.

TITLE II—SUPPRESSION OF THE FINANCING OF TERRORISM

SEC. 201. SHORT TITLE.

This title may be cited as the ''Suppression of the Financing of Terrorism Convention Implementation Act of 2001''.

SEC. 202. TERRORISM FINANCING STATUTE.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, relating to terrorism, is amended by adding at the end thereof the following new section:

''§ 2339C. Prohibitions against the financing of terrorism

''(a) OFFENSES.—

''(1) IN GENERAL.—Whoever, in a circumstance described in subsection (c), by any means, directly or indirectly, unlawfully and willfully provides or collects funds with the intention that such funds be used, or with the knowledge that such funds are to be used, in full or in part, in order to carry out—

''(A) an act which constitutes an offense within the scope of a treaty specified in subsection (e)(7), as implemented by the United States, or

''(B) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act,

shall be punished as prescribed in subsection (d)(1).

''(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (d)(1).

''(3) RELATIONSHIP TO PREDICATE ACT.—For an act to constitute an offense set forth in this subsection, it shall not be necessary that the funds were actually used to carry out a predicate act.

''(b) JURISDICTION.—There is jurisdiction over the offenses in subsection (a) in the following circumstances—

''(1) the offense takes place in the United States and—

''(A) a perpetrator was a national of another state or a stateless person;

''(B) on board a vessel flying the flag of another state or an aircraft which is registered under the laws of another state at the time the offense is committed;

''(C) on board an aircraft which is operated by the government of another state;

''(D) a perpetrator is found outside the United States;

''(E) was directed toward or resulted in the carrying out of a predicate act against—

''(i) a national of another state; or

''(ii) another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

''(F) was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel another state or international organization to do or abstain from doing any act; or

''(G) was directed toward or resulted in the carrying out of a predicate act—

''(i) outside the United States; or

''(ii) within the United States, and either the offense or the predicate act was conducted in, or the results thereof affected, interstate or foreign commerce;

''(2) the offense takes place outside the United States and—

''(A) a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;

''(B) a perpetrator is found in the United States; or

''(C) was directed toward or resulted in the carrying out of a predicate act against—

''(i) any property that is owned, leased, or used by the United States or by any department or agency of the United States, including an embassy or other diplomatic or consular premises of the United States;

''(ii) any person or property within the United States;

''(iii) any national of the United States or the property of such national; or

''(iv) any property of any legal entity organized under the laws of the United States, including any of its States, districts, commonwealths, territories, or possessions;

''(3) the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed;

''(4) the offense is committed on board an aircraft which is operated by the United States; or

''(5) the offense was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel the United States to do or abstain from doing any act.

''(c) PENALTIES.—Whoever violates subsection (a) shall be fined under this title, imprisoned for not more than 20 years, or both.

''(d) DEFINITIONS.—In this section—

''(1) the term 'funds' means assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including coin, currency, bank credits, travelers checks, bank checks, money orders, shares, securities, bonds, drafts, and letters of credit;

''(2) the term 'government facility' means any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of a government, the legislature, or the judiciary, or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties;

''(3) the term 'proceeds' means any funds derived from or obtained, directly or indirectly, through the commission of an offense set forth in subsection (a);

''(4) the term 'provides' includes giving, donating, and transmitting;

''(5) the term 'collects' includes raising and receiving;

''(6) the term 'predicate act' means any act referred to in subparagraph (A) or (B) of subsection (a)(1);

''(7) the term 'treaty' means—

''(A) the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on December 16, 1970;

''(B) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on September 23, 1971;

''(C) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on December 14, 1973;

''(D) the International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on December 17, 1979;

''(E) the Convention on the Physical Protection of Nuclear Material, adopted at Vienna on March 3, 1980;

''(F) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on February 24, 1988;

''(G) the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on March 10, 1988;

''(H) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on March 10, 1988; or

''(I) the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on December 15, 1997;

''(8) the term 'intergovernmental organization' includes international organizations;

''(9) the term 'international organization' has the same meaning as in section 1116(b)(5) of this title;

''(10) the term 'armed conflict' does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature;

''(11) the term 'serious bodily injury' has the same meaning as in section 1365(g)(3) of this title;

''(12) the term 'national of the United States' has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

''(13) the term 'state' has the same meaning as that term has under international law, and includes all political subdivisions thereof.

''(e) CIVIL PENALTY.—In addition to any other criminal, civil, or administrative liability or penalty, any legal entity located within the United States or organized under the laws of the United States, including any of the laws of its States, districts, commonwealths, territories, or possessions, shall be liable to the United States for the sum of at least $10,000, if a person responsible for the management or control of that legal entity has, in that capacity, committed an offense set forth in subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by adding at the end thereof the following:

''2339C. Prohibitions against the financing of terrorism.''.

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the scope or applicability of any other Federal or State law.

SEC. 203. EFFECTIVE DATE.

Except for paragraphs (1)(D) and (2)(B) of section 2339C(b) of title 18, United States Code, which shall become effective on the date that the International Convention for the Suppression of the Financing of Terrorism enters into force for the United States, and for the provisions of section 2339C(d)(7)(I) of title 18, United States Code, which shall become effective on the date that the International Convention for the Suppression of Terrorist Bombing enters into force for the United States, section 202 shall take effect on the date of enactment of this Act.

TITLE III—ANCILLARY MEASURES

SEC. 301. ANCILLARY MEASURES.

(a) WIRETAP PREDICATES.—Section 2516(1)(q) of title 18, United States Code, is amended by—

(1) inserting ''2332f,'' after ''2332d,''; and

(2) striking ''or 2339B'' and inserting ''2339B, or 2339C''.

(b) FEDERAL CRIME OF TERRORISM.—Section 2332b(g)(5)(B) of title 18, United States Code, is amended by—

(1) inserting ''2332f (relating to bombing of public places and facilities),'' after ''2332b (relating to acts of terrorism transcending national boundaries),''; and

(2) inserting ''2339C (relating to financing of terrorism,'' before ''or 2340A (relating to torture)''.

(c) PROVIDING MATERIAL SUPPORT TO TERRORISTS PREDICATE.—Section 2339A of title 18, United States Code, is amended by inserting ''2332f,'' before ''or 2340A''.

(d) FORFEITURE OF FUNDS, PROCEEDS, AND INSTRUMENTALITIES.—Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

''(H) Any property, real or personal, involved in a violation or attempted violation, or which constitutes or is derived from proceeds traceable to a violation, of section 2339C of this title.''.

TITLE IV—DISCLOSURE OF INTERCEPTED WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS TO FOREIGN LAW ENFORCEMENT

SEC. 401. SHORT TITLE.

This title may be cited as the ''Foreign Law Enforcement Cooperation Act of 2001''.

SEC. 402. AMENDMENT TO WIRETAP DISCLOSURE STATUTE.

Section 2517 of title 18, United States Code, relating to the interception of communications, is amended by adding at the end the following:

''(6) Disclosure otherwise prohibited under this chapter of knowledge of or the contents of any wire, oral, or electronic communication, or evidence derived therefrom may also be made when permitted by the court at the request of an attorney for the government, upon a showing that such information may disclose a violation of the criminal laws of the United States or a foreign nation, to an appropriate official of a foreign nation or subdivision thereof for the purpose of enforcing such criminal law. If the court orders disclosure of any matters under this subsection, the disclosure shall be made in such manner, at such time, and under such conditions as the court may direct. In making any application under this subsection, the attorney for the government shall certify that the official or officials for whom an order permitting disclosure is sought, have been informed that they may only make use of the information provided under this subsection consistent with such guidelines as the Attorney General shall issue to protect confidentiality.''.

ANTI-TERRORISM CONVENTIONS IMPLEMENTATION—SECTION-BY-SECTION ANALYSIS

TITLE I SUPPRESSION OF TERRORIST BOMBINGS

Title I of this bill implements the International Convention for the Suppression of Terrorist Bombings, which was signed by the United States on January 12, 1998, and was transmitted to the Senate for its advice and consent to ratification on September 8, 1999. Twenty-eight States are currently party to the Convention, which entered into force internationally on May 23, 2001. The Convention requires State Parties to combat terrorism by criminalizing certain attacks on public places committed with explosives or other lethal devices, including biological, chemical and radiological devices. The Convention also requires that State Parties criminalize aiding and abetting, conspiring and attempting to undertake such terrorist attacks.

SECTION 101. SHORT TITLE

Section 101 provides that title I may be cited as ''The Terrorist Bombings Convention Implementation Act of 2001.''

SECTION 102. BOMBING STATUTE

Section 102 adds a new section to the Federal criminal code, to be codified at 18 U.S.C. § 2332f and entitled ''Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities,'' which makes terrorist acts covered by the Convention a crime. New section 2332f supplements and does not supplant existing Federal and State laws, and contains five subsections, which are described below.

Subsection (a) makes it a crime to unlawfully place or detonate an explosive in certain public places and facilities with the intent to cause death or serious bodily injury, or with the intent to cause extensive destruction, where such destruction results in, or is likely to result in, major economic loss. Conspiracies and attempts to commit such crimes are also criminalized. This provision implements Article 2, paragraphs 1, 2 and 3 of the Convention.

Inclusion of the term ''unlawfully'' in subsection (a), which is mirrored in Article 2 of the Convention defining the offenses, is intended to allow what would be considered under U.S. law as common law defenses. For purposes of subsection (a), whether a person acts ''unlawfully'' will depend on whether he is acting within the scope of authority recognized under and consistent with existing U.S. law, which reflects international law principles, such as self defense or lawful use of force by police authorities. This language is not to be construed as permitting the assertion, as a defense to prosecution under new section 2332f, that a person purportedly acted under authority conveyed by any particular foreign government or official. Such a construction, which would exempt State-sponsored terrorism, would be clearly at odds with the purpose of the Convention and this implementing legislation.

With respect to the mens rea provision of subsection (a), it is sufficient if the intent is to significantly damage the targeted public place or facility. Further, for the purpose of subsection (a), when determining whether the act resulted in, or was likely to result, major economic loss, the physical damage to the targeted place or facility may be considered, as well as other types of economic loss including, but not limited to, the monetary loss or other adverse effects resulting from the interruption of its activities. The adverse effects on non-targeted entities and individuals, the economy and the government may also be considered in this determination insofar as they are due to the destruction caused by the unlawful act.

Subsection (b) establishes the jurisdictional bases for the covered offenses and includes jurisdiction over perpetrators of offenses abroad who are subsequently found within the United States. This provision implements a crucial element of the Convention (Article 8(1)), which requires all State Parties to either extradite or prosecute perpetrators of offenses covered by the Convention who are found within the jurisdiction of a State Party. While current Federal or

State criminal laws encompass all the activity prohibited by the Convention that occurs within the United States, subsection (b)(1) ensures Federal jurisdiction where there is a unique Federal interest e.g., a foreign government is the victim of the crime or the offense is committed in an attempt to compel the United States to do or abstain from doing any act.

Subsection (c) establishes the penalties for committing the covered crimes at any term of years or life. This provision differs from the Administration proposal, which sought to add a new death penalty provision for this crime, despite the fact that such a provision is not required for compliance under the Convention and may create hurdles in seeking extradition to the United States under this statute.

Subsection (d) sets forth certain exemptions to jurisdiction as provided by the Convention. Specifically, the subsection exempts from jurisdiction activities of armed forces during an armed conflict and activities undertaken by military forces of a State in the exercise of their official duties.

Subsection (e) contains definitions of twelve terms that are used in the new law. Six of those definitions (''State or government facility,'' ''infrastructure facility,'' ''place of public use,'' ''public transportation system,'' ''other lethal device,'' and ''military forces of a State'') are the same definitions used in the Convention. Four additional definitions (''serious bodily injury,'' ''explosive,'' ''national of the United States,'' and ''intergovernmental organization'') are definitions that already exist in other U.S. statutes. One of those definitions (''armed conflict'') is defined consistent with an international instrument relating to the law of war, and a U.S. Understanding to the Convention that is recommended to be made at the time of U.S. ratification. The final term (''State'') has the same meaning as that term has under international law.

SECTION 103. EFFECTIVE DATE

Since the purpose of Title I is to implement the Convention, section 103 provides that the new criminal offense created in Section 102 will not become effective until the date that the Convention enters into force in the United States. This will ensure immediate compliance of the United States with its obligations under the Convention.

TITLE II. SUPPRESSION OF THE FINANCING OF TERRORISM

Title II implements the International Convention for the Suppression of the Financing of Terrorism, which was signed by the United States on January 10, 2000, and was transmitted to the Senate for its advice and consent to ratification on October 12, 2000. The Convention is not yet in force internationally, but will enter into force 30 days after the deposit of the 22nd instrument of ratification with the U.N. Secretary-General. Once in force, the Convention requires State Parties to combat terrorism by criminalizing certain financial transactions made in furtherance of various terrorist activities. The Convention also requires that State Parties criminalize conspiracies and attempts to undertake such financing.

SECTION 201. SHORT TITLE

Section 201 provides that title II may be cited as ''The Suppression of Financing of Terrorism Convention Implementation Act of 2001.''

SECTION 202. TERRORISM FINANCING STATUTE

Section 202(a) adds a new section to the Federal criminal code, to be codified at 18 U.S.C. §2339C and entitled ''Prohibitions against the financing of terrorism,'' which makes financial acts covered by the Convention a crime. New section 2339C supplements and does not supplant existing Federal and State laws, and contains five subsections, which are described below.

Subsection (a) makes it a crime to provide or collect funds with the intention or knowledge that such funds are to be used to carry out certain terrorist acts. Conspiracies and attempts to commit these crimes are also criminalized. This subsection implements Article 2, paragraphs 1, 3, 4 and 5 of the Convention.

Subsection (b) establishes the jurisdictional bases for the covered offenses under section 2339C(a) and includes jurisdiction over perpetrators of offenses abroad who are subsequently found within the United States. This provision implements a crucial element of the Convention (Article 10), which requires all State Parties to either extradite or prosecute perpetrators of offenses covered by the Convention who are found within the territory of a State Party. The structure of this provision is designed to accommodate the structure of the Convention, which sets forth both mandatory and permissive bases of jurisdiction, and excludes certain offenses that lack an international nexus. Some portions of this provision go beyond the jurisdictional bases required or expressly permitted under the Convention, however, where expanded jurisdiction is desirable from a policy perspective because a unique Federal interest is implicated and is consistent with the Constitution.

Subsection (c) established the penalties for committing the covered crimes at imprisonment for not more than 20 years, a fine under title 18, United States Code, or both. This penalty is consistent with the current penalties for money laundering offenses. See 18 U.S.C. §1956.

Subsection (d) contains 13 definitions of terms that are used in the new law. Two of those definitions (''government facility,'' and ''proceeds'') are the same definitions used in the Convention. The definition for ''funds'' is identical to that contained in the Convention with the exception that coins and currency are expressly mentioned as money. The definitions for ''provides'' and ''collects'' reflect the broad scope of the Convention. The definition for ''predicate acts'' specifies the activity for which the funds were being provided or collected. These are the acts referred to in subparagraphs (A) and (B) of section 2339C(a)(1). The definition of ''treaty'' sets forth the nine international conventions dealing with counter-terrorism found in the Annex to the Convention. The term ''intergovernmental organization,'' which is used in the Convention, is specifically defined to make clear that it contains within its ambit existing international organizations. The definitions for ''international organization,'' ''serious bodily injury.'' and ''national of the United States'' incorporate definitions for those terms that already exist in other U.S. statues. One of the definitions (''armed conflict'') is defined consistent with international instruments relating to the law of war. The final term (''State'') has the same meaning as that term has under international law.

Subsection (e) creates a civil penalty of at least $10,000 payable to the United States, against any legal entity in the United States, if any person responsible for the management or control of that legal entity has, in that capacity, committed an offense set forth in subsection (a) of the new section 2339C. This civil penalty may be imposed regardless of whether there is a conviction of such person under subsection (a), and is in addition to any other criminal, civil, or administrative liability or penalty allowable under United States law. Subsection (e) fulfills Article 5 of the Convention.

SECTION 203. EFFECTIVE DATE

Section 203 provides that those provisions of the Act that may be implemented immediately shall become effective upon enactment. However, two jurisdictional provisions will not become effective until the Financing Convention enters into force for the United States. Those provisions are the new 18 U.S.C. §§2339C(b)(1)(D) and (2)(B). In addition, new 18 U.S.C. §2339C(d)(7)(1), which is a definitional section specifically linked to the Bombing Convention, will not become effective until that Convention enters into effect.

TITLE III. ANCILLARY MEASURES

Title III, which is not required by the International Conventions but will assist in federal enforcement, adds the new 18 U.S.C. §§2332f and 2339C to several existing provisions of law.

SECTION 301. ANCILLARY MEASURES

Sections 2332f and 2339C are made predicates under the wiretap statute (18 U.S.C. §2516(1)(q)) and under the statute relating to the provision of material support to terrorists (18 U.S.C. §2339A). Sections 2332f and 2339C are also added to those offenses defined as a ''Federal crime of terrorism'' under 18 U.S.C. §2332b(g)(5)(B), as amended by the USA PATRIOT Act. P.L. No. 107–56. In addition, a provision is added to the civil asset forfeiture statute that makes this tool available in the case of a violation of 18 U.S.C. §2339C. These provisions are consistent with the treatment of similar Federal crimes already in existence.

TITLE IV. FOREIGN DISCLOSURE OF WIRETAP INTERCEPTS

This provision, which is not required by the International Conventions, clarifies that Federal law enforcement authorities may disclose otherwise confidential wiretap information to their foreign counterparts with appropriate judicial approval. This provision is intended to ensure effective cooperation between domestic and foreign law enforcement in the investigation and prosecution of international criminal organizations.

SECTION 401. SHORT TITLE

Section 401 provides that title IV may be cited as ''The Foreign Law Enforcement Cooperation Act of 2001.''

SECTION 402. AMENDMENT TO WIRETAP STATUTE

Section 402 adds a new subsection to 18 U.S.C. §2517 that governs the disclosure of otherwise confidential information gathered pursuant to a Title III wiretap. This provision clarifies the authority of domestic law enforcement officers to disclose such information as may show a violation of either domestic or foreign criminal law to foreign law enforcement officials. The provision requires a court order prior to making such a disclosure and sets the standards for the issuance of such an order. It is intended to allow foreign disclosure only to enforce the criminal laws of either the United States or the foreign nation. It also requires that an attorney for the government certify that the foreign officials who are to receive the wiretap information have been informed of the Attorney General's guidelines protecting confidentiality. This provision is intended to enhance the ability of domestic law enforcement to work with their foreign counterparts to investigate international criminal activity at the same time as protecting against improper use of such wiretap information.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1773. A bill to designate the Richard J. Guadagno Headquarters and Visitors Center at Humboldt Bay National Wildlife Refuge, California; to

the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, today, I am introducing a bill to honor a California, Richard J. Guadagno, who sadly lost his life on United Flight 93 when it crashed in Western Pennsylvania on September 11. This legislation will designate the Headquarters and Visitors Center of the Humboldt Bay National Wildlife Refuge as the Richard J. Guadagno Headquarters and Visitors Center. Representative THOMPSON introduced this bill in the House.

Mr. Guadagno was the manager of the Humboldt Bay National Wildlife Refuge and devoted his life to the preservation of wildlife. As refuge manager at the Humboldt Bay National Wildlife Refuge, he lead with a vision that his colleagues embraced and admired. He always keep the best interests of the refuge at heart, and he enthusiastically worked to improve the condition of the refuge. Colleagues in the Fish and Wildlife Service consistently commended his courage and dedication to conservation and protecting biological diversity.

Mr. Guadagno began a career in public service as a biologist at the New Jersey Fish and Game Department and the Great Swamp National Wildlife Refuge. Before joining the Humboldt Bay National Wildlife Refuge, he worked at the Prime Hook National Wildlife Refuge in Delaware, Supawna Meadows National Refuge in New Jersey, and the Baskett Slough and Ankeny National Wildlife Refuges in Oregon.

Richard Guadagno worked his entire life to preserve our Nation's wildlife. This legislation will ensure that we have a lasting memory of his work.

By Mr. CORZINE (for himself and Mr. TORRICELLI):

S. 1774. A bill to accord honorary citizenship to the alien victims of September 11, 2001, terrorist attacks against the United States and to provide for the granting of citizenship to the alien spouses and children of certain victims of such attacks; to the Committee on the Judiciary.

Mr. CORZINE. Mr. President, I rise today to introduce legislation, the Terrorist Victim Citizenship Relief Act, that would quickly provide citizenship relief to hundreds of families adversely affected by the attacks of September 11, 2001.

Today I am meeting with several of the families of the victims of the September 11 terrorist attacks to discuss crucial legislation that would provide them with tax relief in the wake of a national calamity. They are dealing with a personal anguish that many of us can only imagine. It is critical that the House of Representatives move swiftly to pass the tax relief legislation that has already passed the Senate, by unanimous consent, I might add. But there is more that Congress must do to account for the shocking and unanticipated failure of the existing legal framework in the aftermath of September 11. I believe that the Terrorist Victim Citizenship Relief Act is an important part of this vitally necessary overhaul.

When American citizens, foreign nationals, and immigrants perished in the cowardly terrorist acts of September 11, the immigration status of hundreds of families was thrown into turmoil. The attacks were on American soil on a major American institution and directed at the United States. Yet American citizens were not the only victims. Hundreds of temporary workers and immigrants died shoulder-to-shoulder with thousands of Americans. Their deaths should be acknowledged and their families should be honored.

My legislation would bestow honorary citizenship on legal immigrants and non-immigrants who died in the disaster. This would honor their spirit and their tremendous sacrifice. Perhaps more important, the bill would offer citizenship to surviving spouses and children, subject to a background investigation by the Federal Bureau of Investigation. In the spirit of fairness and unity, it is appropriate and responsible to offer the privilege of citizenship to families who lost so much because of this attack on the United States.

More than 3,000 people lost their lives when four planes crashed on that fateful September morning. Bodies are still being uncovered, and the death count has been revised several times. Nationals from some 86 countries perished in the attack, including visitors, non-immigrant workers, and legal permanent residents.

America was not the only country that suffered losses. There was good reason the complex was called the World Trade Center. In the September 11 attacks, England lost 75 people, with 60 other British nationals unaccounted for. India lost more than 100. Germany has 31 confirmed casualties. Mexico has 19. Colombia has 15. Japan has as many as 21. Canada, Australia, the Philippines, Ireland, South Africa, and Pakistan all suffered tragic losses. And there were many more. It would be wrong to allow the tragic destruction of that fateful day to derail the hopes of hundreds of immigrant families to secure a better life for themselves and their children in the United States. And we must acknowledge the hundreds of families from 86 countries who lost loved ones in the attack.

In New Jersey, there are dozens of poignant stories of immigrant families who experienced tragic losses in the World Trade Center disaster. These innocent people have lost husbands and wives, sons and daughters, sisters and brothers. Their families have been fractured and their livelihoods jeopardized. Immigrant families have been forced to grapple with a bureaucratic nightmare, wading through the myriad of programs available to the families of victims in an effort to keep their heads above water. They are often disheartened to learn that, although their loved ones died in the same attack, non-citizens are ineligible for many of the programs designed to assist the surviving families of victims.

Concerns about immigration status have only added to the tremendous burden immigrant families are already confronting. Take the example of one New Jersey woman who came to my office seeking assistance. Her immigration status was directly dependent on the non-immigrant worker status of her husband who died in the attack. Both of her children were born in the United States. They are full citizens and are enrolled in American schools. She wants to continue to raise her children in the United States. However, under the antiterrorism legislation that Congress passed this month, this mother of two will be allowed just one additional year to sort out her affairs before being forced to uproot her children and return to England.

One year is simply not enough to compensate this innocent woman for the loss of her husband. My legislation would grant her citizenship immediately, helping her to avoid the burden of removing her children from the only country they have ever truly known after having just lost their father. Granting her citizenship is the right thing to do.

But, this woman's story is one of hundreds. My office has received numerous inquiries from immigrant families concerned that their immigration status has been undermined by the death of a loved one. Many families were in the process of preparing the necessary paperwork to apply for a change in status, only to have their potential sponsor die alongside thousands of others in the World Trade Center attack. This legislation would ensure that those families would be allowed to become American citizens and avoid undue paperwork and heartache.

More than two months have passed since the United States was brutally attacked. When perpetrating their horrific crime, the terrorists did not distinguish between immigrants and American citizens or between undocumented workers and legal permanent residents. They were attacking the United States, and, in the process, killed thousands, citizens and non-citizens alike. In death, citizenship was irrelevant. In death, they were all unified.

The thousands who died did not know it when they went to work, but they were at the front lines in the next American war. Their deaths are a tragedy that every civilized human being wishes could be reversed. Unfortunately, we cannot turn back the clock. However, we can acknowledge the tremendous loss of hundreds of immigrant families by allowing them to take on the full rights and responsibilities of American citizenship.

I urge my colleagues to support this important legislation, and 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. 1774

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 ''Terrorist Victim Citizenship Relief Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On September 11, 2001, the United States suffered a series of attacks which led to the deaths of thousands of people.

(2) Hundreds of foreign nationals perished in the attacks on the American institutions on American soil.

(3) At that time, the Immigration and Naturalization Service was processing applications for adjustment in immigration status for immigrants who perished in the attacks.

(4) The immigrant or nonimmigrant status of many immigrant families depends on the sponsorship of those who perished.

(5) The Immigration and Naturalization Service has publicly stated that it does not intend to take action against foreign nationals whose immigration status is in jeopardy as a direct result of the attack.

(6) Commissioner of the Immigration and Naturalization Service James Ziglar stated that ''the Immigration and Naturalization Service will exercise its discretion toward families of victims during this time of mourning and readjustment''.

(7) Only Congress has the authority to change immigration law to address unanticipated omissions in existing law to account for the unique circumstances surrounding the events of September 11, 2001.

SEC. 3. DECEASED ALIEN VICTIMS OF TERRORIST ATTACKS DEEMED TO BE UNITED STATES CITIZENS.

Notwithstanding title III of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), and except as provided in section 5, each alien who died as a result of a September 11, 2001, terrorist attack against the United States, shall, as of that date, be considered to be an honorary citizen of the United States if the alien held lawful status under the immigration laws of the United States as of that date.

SEC. 4. CITIZENSHIP ACCORDED TO ALIEN SPOUSES AND CHILDREN OF CERTAIN VICTIMS OF TERRORIST ATTACKS.

Notwithstanding title III of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), and except as provided in section 5, an alien spouse or child of an individual who was lawfully present in the United States and who died as a result of a September 11, 2001, terrorist attack against the United States shall be entitled to naturalization as a citizen of the United States upon being administered the oath of renunciation and allegiance in an appropriate ceremony pursuant to section 337 of the Immigration and Nationality Act, without regard to the current status of the alien spouse or child under the immigration laws of the United States, if the spouse or child applies to the Attorney General for naturalization not later than two years after the date of enactment of this Act. The Attorney General shall record the date of naturalization of any person granted naturalization under this section as being September 10, 2001.

SEC. 5. EXCEPTIONS.

Notwithstanding any other provision of this Act, an alien may not be naturalized as a citizen of the United States, or afforded honorary citizenship, under this Act if the alien is—

(1) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act, or deportable under paragraph (2) or (4) of section 237(a) of that Act, including any terrorist perpetrator of a September 11, 2001, terrorist attack against the United States; or

(2) a member of the family of a person described in paragraph (1).

By Mr. CORZINE (for himself and Mr. TORRICELLI):

S. 1776. A bill to provide for the naturalization of Deena Gilbey; to the Committee on the Judiciary.

Mr. CORZINE. Mr. President, I rise today to introduce private legislation granting citizenship to Deena Gilbey, a woman profoundly affected by the disaster of September 11. Since then, Deena has endured a tremendous hardship, a hardship that has been compounded by mounting paperwork and an unyielding, dispassionate bureaucratic process. Without swift congressional action, Deena, a British national, will be forced to uproot her two children and remove them from the only country they have ever known just one year from the death of their father.

Deena Gilbey first moved to the United States in July 1993 when Paul, her husband was transferred from London to the New York office of Euro Bank. They spent the eight years that followed building a life in the United States in suburban Chatham Township. They began to raise two children, Max, 7, and Mason, 3, both of whom were born in the United States. Although the children are both U.S. citizens, Deena is not and was present in the county as part of her husband's H1–B work visa. Both Deena and Paul were attempting to become citizens when disaster struck.

For all Americans, September 11 will be remembered with a deep sadness. However, that national anguish took on a personal quality for the Gibleys when the family learned that Paul, like so many others, was lost beneath the rubble of the World Trade Center.

With the death of Paul, Deena was forced to face up to the difficult realization that her own lawful status in the United States was in jeopardy. For the first several weeks after he died, it was unclear whether Deena would be allowed to leave the country and spend time with family or even work to support her children. The anti-terrorism bill that passed the Congress earlier this year was a step in the right direction. But it did not go far enough. It did not give Deena and Paul's children the stability they deserve.

The anti-terrorism legislation that passed the Congress earlier this year allowed Deena to remain in the United States just one additional year to sort out her affairs. She had just one year to wrap up the life she and Paul had made together in the United States. She had just one year to prepare her children for the trauma of moving to a foreign country and of leaving the only country that had ever been home. One additional year is simply not enough.

When Paul died in the attack on the World Trade Center, he died with thousands of Americans. Before that, he contributed to the American economy for nearly a decade, paying taxes and lending his expertise in a highly specialized field. On that fateful day, he embodied the American spirit when he assisted coworkers in escaping the fire and destruction of ground zero.

Paul Gilbey was killed in a callous and cowardly attack on America. In the aftermath of this tragic event, we have a responsibility to help ensure that stability returns to the lives of the children he left behind.

Giving citizenship to Deena Gilbey is our patriotic responsibility. I hope this Congress will acknowledge her sacrifice and allow her and her children to remain in the United States.

I urge my colleagues to support this important legislation and 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. 1776

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

SECTION 1. NATURALIZATION OF DEENA GILBEY.

Notwithstanding title III of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) Deena Gilbey shall be entitled to naturalization as a citizen of the United States upon being administered the oath of renunciation and allegiance in an appropriate ceremony pursuant to section 337 of the Immigration and Nationality Act. Upon naturalization of Deena Gilbey under this Act, the Attorney General shall record the date of naturalization of Deena Gilbey as being September 10, 2001.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 187—COMMENDING THE STAFFS OF MEMBERS OF CONGRESS, THE CAPITOL POLICE, THE OFFICE OF THE ATTENDING PHYSICIAN AND HIS HEALTH CARE STAFF, AND OTHER MEMBERS OF THE CAPITOL HILL COMMUNITY FOR THEIR COURAGE AND PROFESSIONALISM DURING THE DAYS AND WEEKS FOLLOWING THE RELEASE OF ANTHRAX IN SENATOR DASCHLE'S OFFICE

Mr. CLELAND (for himself, Mr. FEINGOLD, Mr. ALLEN, Mr. COCHRAN, Mr. MILLER, and Mr. AKAKA) submitted the following resolution; which was referred to the Committee on Governmental Affairs:

S. RES. 187

Whereas there are approximately 30,000 legislative branch employees who work on Capitol Hill including approximately 6,200 Senate employees, 11,500 House employees, and 12,800 staff from other entities;

Whereas the Capitol Complex consists of approximately 285 acres comprised of 3 Senate office buildings, 3 House office buildings, 2 House annex buildings, 3 Library of Congress buildings, and several other facilities;