

(5) payments for and other costs relating to liability described in section 106; and

(6) closure of the Mine and laboratory.

(d) **FEDERAL PAYMENTS FROM FUND.**—The United States—

(1) to the extent the United States assumes liability under section 106—

(A) shall be a beneficiary of the Fund; and

(B) may direct that amounts in the Fund be applied to pay amounts and costs described in this section; and

(2) may take action to enforce the right of the United States to receive 1 or more payments from the Fund.

(e) **NO REQUIREMENT OF DEPOSIT OF PUBLIC FUNDS.**—Nothing in this section requires the State to deposit State funds as a condition of the assumption by the United States of liability, or the relief of the State or Homestake from liability, under section 106.

#### SEC. 109. WASTE ROCK MIXING.

After completion of the conveyance, the State shall obtain the approval of the Administrator before disposing of any material quantity of laboratory waste rock if—

(1) the disposal site is on land not conveyed under this title; and

(2) the State determines that the disposal could result in commingling of laboratory waste rock with waste rock disposed of by Homestake before the date of conveyance.

#### SEC. 110. REQUIREMENTS FOR OPERATION OF LABORATORY.

After the conveyance, nothing in this title exempts the laboratory from compliance with any law (including a Federal environmental law).

#### SEC. 111. CONTINGENCY.

This title shall be effective contingent on the selection, by the National Science Foundation, of the Mine as the site for the laboratory.

#### SEC. 112. OBLIGATION IN THE EVENT OF NON-CONVEYANCE.

If the conveyance under this title does not occur, any obligation of Homestake relating to the Mine shall be limited to such reclamation or remediation as is required under any applicable law other than this title.

#### SEC. 113. PAYMENT AND REIMBURSEMENT OF COSTS.

The United States may seek payment—

(1) from the Fund, under section 108(d), to pay or reimburse the United States for amounts payable or liabilities incurred under this title; and

(2) from available insurance, to pay or reimburse the United States and the Fund for amounts payable or liabilities incurred under this title.

#### SEC. 114. CONSENT DECREES.

Nothing in this title affects any obligation of a party under—

(1) the 1990 Remedial Action Consent Decree (Civ. No. 90–5101 D. S.D.); or

(2) the 1999 Natural Resource Damage Consent Decree (Civ. Nos. 97–5078 and 97–5100, D. S.D.).

#### SEC. 115. CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by inserting after “September 30, 2003,” the following: “except that fees shall continue to be charged under paragraphs (1) through (8) of that subsection through January 31, 2004.”

#### SEC. 116. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

#### TITLE II—GENERAL PROVISIONS, THIS DIVISION

**SEC. 201. TRUSTEES OF THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.** (a) **MEMBERSHIP.**—Section 2(a) of the John F. Kennedy Center Act (20 U.S.C. 76h(a)) is amended—

(1) by striking “There is hereby” and inserting the following:

“(1) **IN GENERAL.**—There is”; and

(2) by striking the second sentence and inserting the following:

“(2) **MEMBERSHIP.**—The Board shall be composed of—

“(A) the Secretary of Health and Human Services;

“(B) the Librarian of Congress;

“(C) the Secretary of State;

“(D) the Chairman of the Commission of Fine Arts;

“(E) the Mayor of the District of Columbia;

“(F) the Superintendent of Schools of the District of Columbia;

“(G) the Director of the National Park Service;

“(H) the Secretary of Education;

“(I) the Secretary of the Smithsonian Institution;

“(J)(i) the Speaker and the Minority Leader of the House of Representatives;

“(ii) the chairman and ranking minority member of the Committee on Public Works and Transportation of the House of Representatives; and

“(iii) 3 additional Members of the House of Representatives appointed by the Speaker of the House of Representatives;

“(K)(i) the Majority Leader and the Minority Leader of the Senate;

“(ii) the chairman and ranking minority member of the Committee on Environment and Public Works of the Senate; and

“(iii) 3 additional Members of the Senate appointed by the President of the Senate; and

“(L) 36 general trustees, who shall be citizens of the United States, to be appointed in accordance with subsection (b).”

(b) **TERMS OF OFFICE FOR NEW GENERAL TRUSTEES.**—Section 2(b) of the John F. Kennedy Center Act (20 U.S.C. 76h(b)) shall apply to each general trustee of the John F. Kennedy Center for the Performing Arts whose position is established by the amendment made by subsection (a)(2) (referred to in this subsection as a “new general trustee”), except that the initial term of office of each new general trustee shall—

(1) commence on the date on which the new general trustee is appointed by the President; and

(2) terminate on September 1, 2007.

**SEC. 202.** (a) The purpose of this section is to require procedures that ensure the fair and equitable resolution of labor integration issues, in order to prevent further disruption to transactions for the combination of air carriers, which would potentially aggravate the disruption caused by the attack on the United States on September 11, 2001.

(b) In this section:

(1) The term “air carrier” means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code.

(2) The term “covered employee” means an employee who—

(A) is not a temporary employee; and

(B) is a member of a craft or class that is subject to the Railway Labor Act (45 U.S.C. 151 et seq.).

(3) The term “covered transaction” means a transaction that—

(A) is a transaction for the combination of multiple air carriers into a single air carrier;

(B) involves the transfer of ownership or control of—

(i) 50 percent or more of the equity securities (as defined in section 101 of title 11, United States Code) of an air carrier; or

(ii) 50 percent or more (by value) of the assets of the air carrier;

(C) became a pending transaction, or was completed, not earlier than January 1, 2001; and

(D) did not result in the creation of a single air carrier by September 11, 2001.

(c) If an eligible employee is a covered employee of an air carrier involved in a covered transaction that leads to the combination of crafts or classes that are subject to the Railway Labor Act, the eligible employee may receive as-

sistance under this title only if the parties to the transaction—

(1) apply sections 3 and 13 of the labor protective provisions imposed by the Civil Aeronautics Board in the Allegheny-Mohawk merger (as published at 59 CAB 45) to the covered employees of the air carrier; and

(2) subject to paragraph (1), in a case in which a collective bargaining agreement provides for the application of sections 3 and 13 of the labor protective provisions in the process of seniority integration for the covered employees, apply the terms of the collective bargaining agreement to the covered employees, and do not abrogate the terms of the agreement.

(d) Any aggrieved person (including any labor organization that represents the person) may bring an action to enforce this section, or the terms of any award or agreement resulting from arbitration or a settlement relating to the requirements of this section. The person may bring the action in an appropriate Federal district court, determined in accordance with section 1391 of title 28, United States Code, without regard to the amount in controversy.

#### UNANIMOUS CONSENT REQUEST— S. 1214

Mr. HARKIN. Madam President, I ask unanimous consent that the majority leader, following consultation with the Republican leader, may proceed to the consideration of Calendar No. 161, S. 1214, the Port, Maritime and Rail Security Act; that when the measure is considered, it be under the following limitations: That a managers' substitute amendment be in order; that the substitute amendment be considered and agreed to and the motion to reconsider be laid upon the table; that the bill, as thus amended, be considered as original text for the purpose of further amendment, with no points of order waived by this agreement; that all first-degree amendments must be transportation-related; that second-degree amendments must be relevant to the first-degree amendment to which it is offered; that upon the disposition of all amendments, the bill be read the third time and the Senate vote on passage of the bill, with no further intervening action or debate.

Mr. THOMAS. Madam President, I object. All the agreements have not been made on both sides.

The PRESIDING OFFICER. The objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### NATIONAL CIVIC PARTICIPATION WEEK

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to consideration of Calendar No. 242, S. Res. 140.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 140) designating the week beginning September 15, 2002, as "National Civic Participation Week".

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 140) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, will be printed in a future edition of the RECORD.)

#### CONGRATULATING BARRY BONDS

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from consideration of S. Res. 178, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 178) congratulating Barry Bonds on his spectacular record-breaking season in 2001 and outstanding career in Major League Baseball.

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 2465

Mr. REID. Madam President, Senators FEINSTEIN and BOXER have an amendment at the desk.

I ask unanimous consent that the resolution be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The amendment (No. 2465) was agreed to, as follows:

AMENDMENT NO. 2465

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

The resolution (S. Res. 178) was agreed to.

The preamble, as amended, was agreed to.

(The resolution with its preamble, will be printed in a future edition of the RECORD.)

#### EXPRESSING DEEP GRATITUDE TO THE GOVERNMENT AND THE PEOPLE OF THE PHILIPPINES

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to the consideration of S. Con. Res. 91, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

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

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 91) was agreed to.

The preamble was agreed to.

(The concurrent resolution, with its preamble, is printed in today's RECORD under "Statements on Submitted Resolutions.")

#### CRASH OF AMERICAN AIRLINES FLIGHT 587

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to H. Con. Res. 272, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 272) expressing the sense of Congress regarding the crash of American Airlines Flight 587.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 272) was agreed to.

The preamble was agreed to.

#### RECOGNIZING THE CONTRIBUTION OF THE LAO-HMONG IN DEFENDING FREEDOM AND DEMOCRACY

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 243, H. Con. Res. 88.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 88) expressing the sense of the Congress that the President should issue a proclamation to recognize the contribution of the Lao-Hmong in defending freedom and democracy and supporting the goals of Lao-Hmong Recognition Day.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 88) was agreed to.

The preamble was agreed to.

#### AMERICAN AIRLINES FLIGHT 587

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate proceed to the immediate consideration of S. Con. Res. 87.

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

The clerk will report the concurrent resolution by title.

Mr. REID. Madam President, the matter that I asked be considered is S. Con. Res. 87. We will withdraw that for the time being and go to another matter.

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

#### RECOGNITION OF FIRST RESPONDERS IN THE AFTERMATH OF THE TERRORIST ATTACKS ON THE WORLD TRADE CENTER AND THE PENTAGON ON SEPTEMBER 11, 2001

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 73, and the Senate proceed to its immediate consideration.

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

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 73) expressing the profound sorrow of Congress for the deaths and injuries suffered by first responders as they endeavored to save innocent people in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 73) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 73

Whereas law enforcement officers, firefighters, and emergency medical personnel are collectively known as first responders;