



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148

WASHINGTON, WEDNESDAY, JUNE 5, 2002

No. 72—Part II

Senate

TEXT OF AMENDMENTS

SA 3580. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, line 16, after the semicolon insert the following: “\$15,870,000 shall be made available to the Federal Law Enforcement Training Center for additional instructors, facilities, and equipment required to train new law enforcement staffing required following the September 11, 2001, terrorist attacks, in particular for basic training for the new Transportation Security Administration;”.

SA 3581. Ms. LANDRIEU (for herself, Mr. BREAUX, and Mr. HARKIN) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, line 22, strike “\$72,000,000” and insert “\$69,463,000”.

On page 79, between lines 6 and 7, insert the following:

ADMINISTRATION FOR CHILDREN AND FAMILIES CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for fiscal year 2002 for “Children and Families Services Programs”, \$2,537,000, which shall be available, without regard to paragraph (3) or (4) of section 122(a) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15022(a)), to support activities carried out in fiscal years 2001 and 2002 by State Councils on Developmental Disabilities, through grants only to States adversely affected for fiscal years 2001 and 2002 by the omission from such Act of the provisions of section 125(a)(3)(A)(ii)(II) of the Developmental Disabilities Assistance and Bill of Rights Act (as in effect on October 29, 2000).

On page 89, between lines 3 and 4, insert the following:

SEC. 807. (a) Section 122(a) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15022(a)) is amended—

(1) in paragraph (3)(A), by striking clauses (i) and (ii) and inserting the following:

“(i) to each of American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands may not be less than the greater of—

“(I) \$210,000; or

“(II) (except in a fiscal year for which the amount appropriated under section 129 is less than the amount so appropriated for the preceding fiscal year) the allotment received by such State under this section for the preceding fiscal year; and

“(ii) to any State not described in clause (i) may not be less than the greater of—

“(I) \$400,000; or

“(II) (except in a fiscal year for which the amount appropriated under section 129 is less than the amount so appropriated for the preceding fiscal year) the allotment received by such State under this section for the preceding fiscal year.”; and

(2) in paragraph (4)(A), by striking clauses (i) and (ii) and inserting the following:

“(i) to each of American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands may not be less than the greater of—

“(I) \$220,000; or

“(II) (except in a fiscal year for which the amount appropriated under section 129 is less than the amount so appropriated for the preceding fiscal year) the allotment received by such State under this section for the preceding fiscal year; and

“(ii) to any State not described in clause (i) may not be less than the greater of—

“(I) \$450,000; or

“(II) (except in a fiscal year for which the amount appropriated under section 129 is less than the amount so appropriated for the preceding fiscal year) the allotment received by such State under this section for the preceding fiscal year.”.

(b) The amendments made by subsection (a) take effect on October 1, 2002.

SA 3582. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, between lines 12 and 13, insert the following:

SEC. 102. SUDDEN OAK DEATH SYNDROME.

The Secretary of Agriculture shall use \$5,000,000 of funds of the Commodity Credit Corporation to arrest, control, eradicate, and

prevent the spread of sudden oak death syndrome, of which—

(1) \$1,500,000 shall be provided to the Animal and Plant Health Inspection Service;

(2) \$1,500,000 shall be provided to the Agricultural Research Service;

(3) \$1,500,000 shall be provided to the Forest Service; and

(4) \$500,000 shall be provided to the Cooperative State Research, Education, and Extension Service.

SA 3583. Mr. KENNEDY (for himself, Mr. SMITH of Oregon, Mrs. BOXER, Mr. DODD, Mr. REID, Mrs. MURRAY, and Mr. DURBIN) proposed an amendment to amendment SA 3570 proposed by Mr. REID to the bill (H.R. 4775) making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . . EMERGENCY SUMMER SCHOOL FUNDING.

(a) FINDINGS; PURPOSE.—

(1) FINDINGS.—Congress finds the following:

(A) Under the amendments made by the No Child Left Behind Act of 2001, students and schools rightly are held accountable for meeting challenging State academic content and student academic achievement standards in mathematics, reading or language arts, and science.

(B) Summer programs and activities supported under the 21st Century Community Learning Centers program are critical to providing supplemental academic services and academic enrichment activities designed to help students meet local and State academic standards.

(C) Summer programs and activities supported under the 21st Century Community Learning Centers program help children and the children’s families in the areas of youth development, drug and violence prevention, and character education.

(D) During the summer of 2002, school districts throughout the Nation will confront more than \$200,000,000 in cuts to summer school programs, eliminating services and academic support to more than 150,000 struggling children.

(2) PURPOSE.—The purpose of this section is to provide opportunities for communities to provide summertime activities in community learning centers that—

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



Printed on recycled paper.

S5063

(A) provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet State and local student academic achievement standards in core academic subjects, such as reading and mathematics; and

(B) offer students an array of additional services, programs, and activities, such as youth development activities, drug and violence prevention programs, counseling programs, art, music, and recreation programs, technology education programs, and character education programs, that are designed to reinforce and complement the regular academic program of participating students.

(b) FUNDING FOR SUMMER SCHOOL PROGRAMS.—

(1) IN GENERAL.—Provided that, in addition to amounts otherwise available to carry out section 4205(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7175(a)), \$200,000,000 shall be available to carry out activities described in section 4205(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7175(a)) during the 2002 summer recess period.

(2) AWARDING OF GRANTS.—

(A) IN GENERAL.—Notwithstanding section 4202 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7172), the Secretary of Education shall award grants with funds made available under paragraph (1) on a competitive basis to eligible entities serving communities whose local educational agencies are not able to meet fully the communities' need for summer school programs.

(B) PRIORITY.—In awarding grants under subparagraph (A), the Secretary of Education shall give priority to an eligible entity that is a local educational agency or who serves a community whose local educational agency—

(i) serves high concentrations or numbers of low-income children;

(ii) before June 6, 2002, announced that the local educational agency is canceling or reducing summer school services in 2002; or

(iii) is located in a State whose State educational agency, before June 6, 2002, announced that the State educational agency is canceling or reducing summer school funding for 2002.

(3) APPLICATION AND OBLIGATION.—

(A) APPLICATION.—Notwithstanding sections 4203 and 4204 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7173 and 7174), an eligible entity that desires a grant under this section shall submit an application to the Secretary of Education at such time and in such manner as the Secretary of Education may require.

(B) OBLIGATION.—Not later than 4 weeks after the date of enactment of this section, the Secretary of Education shall obligate funds made available under this section.

(4) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" has the meaning given the term in section 4201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171).

(5) EMERGENCY DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3584. Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 101, after line 23, insert the following:

SEC. 1008. Using up to \$300,000 of the amount appropriated for fiscal year 2002 for the Department of Transportation for the Coast Guard for acquisition, construction, and improvements by title I of Public Law 107-87 (115 Stat. 836), the Secretary of Transportation shall, by grant, reimburse the City of Escanaba, Michigan, for the costs incurred by the City for the repair of the North wall of the municipal dock, Escanaba, Michigan, a facility used by the Coast Guard.

SA 3585. Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 18, after "That" insert "of this amount, \$10,000,000 is for reimbursing State and local law enforcement agencies that have provided necessary Federal assistance to personnel of the Immigration and Naturalization Service, and of the United States Customs Bureau Service, along the Northern Border of the United States: *Provided further*, That".

SA 3586. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, between lines 19 and 20, insert the following:

STATE WILDLIFE GRANTS
(RESCISSION)

Of the amounts made available for "United States Fish and Wildlife Service, State Wildlife Grants" under title VIII of the Department of the Interior and Related Agencies Appropriation Act, 2001 (114 Stat. 1025), \$2,000,000 is rescinded.

On page 73, between lines 2 and 3, insert the following:

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for exhibits and other activities relating to the events of September 11, 2001, \$2,000,000, to remain available until expended.

SA 3587. Mr. BOND (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, line 19, strike "\$10,000,000" and insert "\$22,200,000".

On page 49, beginning on line 4, strike "flooding in" and all that follows through the end of line 6 and insert "flooding in eastern Kentucky, Illinois, Missouri, southwestern Virginia, and southern West Virginia: *Provided*, That the \$22,200,000 is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A))."

SA 3588. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal

year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2002 of the bill.

SA 3589. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In chapter 10 of title I under the heading "TRANSPORTATION SECURITY ADMINISTRATION", insert before the period the following: "*Provided further*, That no amount appropriated by this heading shall be available for prescribing regulations to implement the aviation security program for charter air carriers required by section 132(a) of the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 635; 49 U.S.C. 44903 note) unless such regulations include pre-boarding screening requirements (including a search of passengers and their accessible baggage) for aircraft with a maximum certificated take off weight of 12,500 pounds or more".

SA 3590. Mr. HOLLINGS (for himself, Mr. BREAU and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. CONTAMINATED SEAFOOD.

(a) IN GENERAL.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended by—

(1) redesignating subsections (b) through (g) as subsections (c) through (h), respectively; and

(2) inserting after subsection (a) the following:

"(b) CONTAMINATED SEAFOOD.—

"(1) REFUSAL OF ENTRY.—The Secretary of Health and Human Services shall issue an order refusing admission into the United States of all imports of seafood originating from a country or exporter if the Secretary determines, on the basis of evidence that the Secretary finds reliable and applicable, that shipments of such seafood are likely to contain 1 or more animal drugs listed in section 530.4(a) of title 21, Code of Federal Regulations. Such evidence may include—

"(A) the detection of such animal drugs by the Secretary;

"(B) the detection of such animal drugs by an entity commissioned to carry out examinations and investigations under section 702(a) of this Act (21 U.S.C., 372(a));

"(C) findings from an inspection team formed under paragraph (4); or

"(D) the detection by other importing countries of such animal drugs in shipments of seafood that originate from such country or exporter.

"(2) ALLOWANCE OF INDIVIDUAL SHIPMENTS FROM EXPORTING COUNTRY OR EXPORTER.—Notwithstanding an order under paragraph (1) with respect to seafood originating from a country or exporter, the Secretary may permit individual shipments of seafood originating in that country or from that exporter to be admitted into the United States if—

"(A) the exporter or importer presents evidence from a laboratory certified by the Secretary under paragraph (5) that a shipment does not contain a drug listed in section 530.41(a) of title 21, Code of Federal Regulations; or

“(B) the Secretary, or an entity commissioned to carry out examinations and investigations under section 702(a) of this Act (21 U.S.C. 372(a)), has inspected the shipment and has found that the shipment does not contain such a drug.

“(3) CANCELLATION OF ORDER.—The Secretary may cancel an order under paragraph (1) with respect to seafood exported from a country or exporter—if

“(A) an inspection team formed under paragraph (4) has determined that the prohibited drug at issue is no longer sold for use, or being used, in food-producing animals in the country in which the seafood originated; or

“(B) all shipments into the United States under paragraph (2) of seafood originating in that country or from that exporter more than 1 years after the date on which the Secretary issued the order have been found, under the procedures described in paragraph (2), not to contain such a drug.

“(4) INSPECTION TEAM.—The Secretary may send 1 or more inspectors to a country or exporter from which seafood exported to the United States originates to assess whether any such drug is sold for use, or is being used in, food-producing animals in that country. The inspection team shall prepare a report for the Secretary with its findings. The Secretary shall cause the report to be published in the Federal Register no later than 90 days after the inspection team makes its final report. The Secretary shall notify the country or exporter through appropriate means as to the findings of the report no later than the date on which the report is published in the Federal Register.

“(5) CERTIFIED LABS.—Within 90 days after the date of enactment of the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States, the Secretary shall publish in the Federal Register a list of laboratories certified by the Secretary for purposes of paragraph (2)(A). The Secretary shall update the list, and publish the updated list, no less frequently than annually.”

“(b) CONFORMING AMENDMENTS.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381), as amended by subsection (a), is amended by—

(1) striking “subsection (b)” in subsection (a) and inserting “subsection (c)”;

(2) striking “subsection (b)” in subsection (d) and inserting “subsection (c)”;

(3) striking “subsection (e)” in subsection (g)(1) and inserting “subsection (f)”;

(4) striking “section 801(a)” in subsection (h)(1)(A)(i) and inserting “subsection (a) of this section”;

(5) striking “section 801(a)” in subsection (h)(1)(A)(ii) and inserting “subsection (a) of this section”; and

“(6) striking “section 801(d)(1);” in subsection (h)(1)(A)(iii) and inserting “subsection (d)(1) of this section;”

SA 3591. Mr. BIDEN (for himself, Mr. CARPER, Mr. TORRICELLI, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 3 of title I, add the following:

SEC. 307. The Secretary of the Army shall obligate and expend the \$2,000,000 appropriated for the Army by Public Law 107-117 for procurement of smokeless nitrocellulose under Activity 1, instead under Activity 2, Production Base Support Industrial Facili-

ties, for the purpose of preserving a commercially owned and operated capability of producing defense grade nitrocellulose at the rate of at least 10,000,000 pounds per year in order to preserve a commercial manufacturing capability for munitions precursor supplies for the High Zone Modular Artillery Charge system and to preserve competition in that manufacturing capability.

SA 3592. Mr. BAYH (for himself, Ms. MIKULSKI, and Mr. SARBANES) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In chapter 3 of title I, insert after the matter under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE” the following:

OTHER DEPARTMENT OF DEFENSE PROGRAMS
CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$100,000,000, of which \$100,000,000 shall be available for accelerated neutralization of chemical weapons: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3593. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 58, line 10, after “Israel” insert the following: “, all or a portion of which may be transferred to, and merged with, funds appropriated by this Act under the heading “Nonproliferation, Anti-Terrorism, Demining and Related Programs” for defensive, non-lethal anti-terrorism assistance in accordance with the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961”.

SA 3594. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

On page 94, line 19, after “Commerce” insert “*Provided further*, That the Under Secretary for Transportation Security shall report to the Committee on Appropriations of each House (1) the amount of funds dedicated to improving public transportation security, (2) the number of full-time Transportation Security Administration personnel engaged in improving public transportation security, (3) a plan for improving the security of our Nation’s public transportation systems, and (4) recommendations of any policy changes required to ensure Transportation Security Administration, Department of Transportation, and the Federal Transit Administration can effectively improve security for our

Nation’s transit riders not later than 30 days after the date of enactment of this Act”.

SA 3595. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

On page 94, line 19, after “Commerce” insert “*Provided further*, That not later than 30 days after the date of enactment of this Act, the Under Secretary for Transportation Security shall report to Congress (1) the amount of Transportation Security Administration funds dedicated to improving public transportation security, (2) the number of full-time Transportation Security Administration personnel engaged in improving public transportation security, (3) a plan for improving the security of our Nation’s public transportation systems”.

SA 3596. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

On page 79, after line 6 insert the following new proviso:

CENTERS FOR MEDICARE AND MEDICAID SERVICES
PROGRAM MANAGEMENT

“: *Provided further*, That of the funds made available under this heading in Public Law 107-116, \$3,000,000 shall be awarded to the Johns Hopkins School of Medicine for activities associated with an in-home study of self-administered high frequency chest oscillation therapy for patients with chronic obstructive pulmonary disease”.

SA 3597. Mr. WARNER (for himself, Mr. HELMS, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBACK, Mr. ALLEN, Mr. ENSIGN, Mr. HUCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

On page 116, after line 24, add the following:

TITLE III—AMERICAN SERVICE-MEMBERS’ PROTECTION ACT

SEC. 3001. SHORT TITLE.

This title may be cited as the “American Servicemembers’ Protection Act of 2002”.

SEC. 3002. FINDINGS.

Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the “Rome Statute of the International Criminal Court”. The vote on whether to proceed with the statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified it. Pursuant to Article 126 of the Rome Statute, the statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has met regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress following the adoption of the Rome Statute, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: "We are left with consequences that do not serve the cause of international justice."

(5) Ambassador Scheffer went on to tell the Congress that: "Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed."

(6) Notwithstanding these concerns, President Clinton directed that the United States sign the Rome Statute on December 31, 2000. In a statement issued that day, he stated that in view of the unremedied deficiencies of the Rome Statute, "I will not, and do not recommend that my successor submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied".

(7) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(8) Members of the Armed Forces of the United States should be free from the risk of prosecution by the International Criminal Court, especially when they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by the International Criminal Court.

(9) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court. Particularly if the Preparatory Commission agrees on a definition of the Crime of Aggression over United States objections, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than members of the Armed Forces of the United States, senior officials of the United States Government should be free from the risk of prosecution by the International Criminal Court, especially with respect to official actions taken by

them to protect the national interests of the United States.

(10) Any agreement within the Preparatory Commission on a definition of the Crime of Aggression that usurps the prerogative of the United Nations Security Council under Article 39 of the charter of the United Nations to "determine the existence of any . . . act of aggression" would contravene the charter of the United Nations and undermine deterrence.

(11) It is a fundamental principle of international law that a treaty is binding upon its parties only and that it does not create obligations for nonparties without their consent to be bound. The United States is not a party to the Rome Statute and will not be bound by any of its terms. The United States will not recognize the jurisdiction of the International Criminal Court over United States nationals.

SEC. 3003. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS TITLE.

(a) **AUTHORITY TO INITIALLY WAIVE SECTIONS 3005 AND 3007.**—The President is authorized to waive the prohibitions and requirements of sections 3005 and 3007 for a single period of 1 year. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement that—

(A) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

- (i) covered United States persons;
- (ii) covered allied persons; and
- (iii) individuals who were covered United States persons or covered allied persons; and

(B) ensures that no person described in subparagraph (A) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court.

(b) **AUTHORITY TO EXTEND WAIVER OF SECTIONS 3005 AND 3007.**—The President is authorized to waive the prohibitions and requirements of sections 3005 and 3007 for successive periods of 1 year each upon the expiration of a previous waiver pursuant to subsection (a) or this subsection. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court—

(A) remains party to, and has continued to abide by, a binding agreement that—

- (i) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:
 - (I) covered United States persons;
 - (II) covered allied persons; and
 - (III) individuals who were covered United States persons or covered allied persons; and
- (ii) ensures that no person described in clause (i) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court; and

(B) has taken no steps to arrest, detain, prosecute, or imprison any person described in clause (i) of subparagraph (A).

(c) **AUTHORITY TO WAIVE SECTIONS 3004 AND 3006 WITH RESPECT TO AN INVESTIGATION OR PROSECUTION OF A NAMED INDIVIDUAL.**—The

President is authorized to waive the prohibitions and requirements of sections 3004 and 3006 to the degree such prohibitions and requirements would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that—

(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 3005 and 3007 is in effect;

(B) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court's investigation or prosecution;

(C) it is in the national interest of the United States for the International Criminal Court's investigation or prosecution of the named individual to proceed; and

(D) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in an official capacity:

- (i) Covered United States persons.
- (ii) Covered allied persons.
- (iii) Individuals who were covered United States persons or covered allied persons.

(d) **TERMINATION OF WAIVER PURSUANT TO SUBSECTION (C).**—Any waiver or waivers exercised pursuant to subsection (c) of the prohibitions and requirements of sections 3004 and 3006 shall terminate at any time that a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 3005 and 3007 expires and is not extended pursuant to subsection (b).

(e) **TERMINATION OF PROHIBITIONS OF THIS TITLE.**—The prohibitions and requirements of sections 3004, 3005, 3006, and 3007 shall cease to apply, and the authority of section 3008 shall terminate, if the United States becomes a party to the International Criminal Court pursuant to a treaty made under article II, section 2, clause 2 of the Constitution of the United States.

SEC. 3004. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) **APPLICATION.**—The provisions of this section—

(1) apply only to cooperation with the International Criminal Court and shall not apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act to investigate and prosecute war crimes committed in a specific country or during a specific conflict; and

(2) shall not prohibit—

(A) any action permitted under section 3008; or

(B) communication by the United States of its policy with respect to a matter.

(b) **PROHIBITION ON RESPONDING TO REQUESTS FOR COOPERATION.**—Notwithstanding section 1782 of title 28, United States Code, or any other provision of law, no United States Court, and no agency or entity of any State or local government, including any court, may cooperate with the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to the Rome Statute.

(c) **PROHIBITION ON TRANSMITTAL OF LETTERS ROGATORY FROM THE INTERNATIONAL**

CRIMINAL COURT.—Notwithstanding section 1781 of title 28, United States Code, or any other provision of law, no agency of the United States Government may transmit for execution any letter rogatory issued, or other request for cooperation made, by the International Criminal Court to the tribunal, officer, or agency in the United States to whom it is addressed.

(d) PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government may extradite any person from the United States to the International Criminal Court, nor support the transfer of any United States citizen or permanent resident alien to the International Criminal Court.

(e) PROHIBITION ON PROVISION OF SUPPORT TO THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government, including any court, may provide support to the International Criminal Court.

(f) PROHIBITION ON USE OF APPROPRIATED FUNDS TO ASSIST THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no funds appropriated under any provision of law may be used for the purpose of assisting the investigation, arrest, detention, extradition, or prosecution of any United States citizen or permanent resident alien by the International Criminal Court.

(g) RESTRICTION ON ASSISTANCE PURSUANT TO MUTUAL LEGAL ASSISTANCE TREATIES.—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(h) PROHIBITION ON INVESTIGATIVE ACTIVITIES OF AGENTS.—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

SEC. 3005. RESTRICTION ON UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) POLICY.—Effective beginning on the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations permanently exempts, at a minimum, members of the Armed Forces of the United States participating in such operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) RESTRICTION.—Members of the Armed Forces of the United States may not participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations, the creation of which is authorized by the United Nations Security Council on or

after the date that the Rome Statute enters into effect pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees a certification described in subsection (c) with respect to such operation.

(c) CERTIFICATION.—The certification referred to in subsection (b) is a certification by the President that—

(1) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because, in authorizing the operation, the United Nations Security Council permanently exempted, at a minimum, members of the Armed Forces of the United States participating in the operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by them in connection with the operation;

(2) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because each country in which members of the Armed Forces of the United States participating in the operation will be present either is not a party to the International Criminal Court and has not invoked the jurisdiction of the International Criminal Court pursuant to Article 12 of the Rome Statute, or has entered into an agreement in accordance with Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against members of the Armed Forces of the United States present in that country; or

(3) the national interests of the United States justify participation by members of the Armed Forces of the United States in the peacekeeping or peace enforcement operation.

SEC. 3006. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CLASSIFIED NATIONAL SECURITY INFORMATION AND LAW ENFORCEMENT INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.

(a) IN GENERAL.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information and law enforcement information to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(b) INDIRECT TRANSFER.—The procedures adopted pursuant to subsection (a) shall be designed to prevent the transfer to the United Nations and to the government of any country that is party to the International Criminal Court of classified national security information and law enforcement information that specifically relates to matters known to be under investigation or prosecution by the International Criminal Court, except to the degree that satisfactory assurances are received from the United Nations or that government, as the case may be, that such information will not be made available to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(c) CONSTRUCTION.—The provisions of this section shall not be construed to prohibit any action permitted under section 3008.

SEC. 3007. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.

(a) PROHIBITION OF MILITARY ASSISTANCE.—Subject to subsections (b) and (c), and effective 1 year after the date on which the Rome

Statute enters into force pursuant to Article 126 of the Rome Statute, no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

(b) NATIONAL INTEREST WAIVER.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that it is important to the national interest of the United States to waive such prohibition.

(c) ARTICLE 98 WAIVER.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

(d) EXEMPTION.—The prohibition of subsection (a) shall not apply to the government of—

- (1) a NATO member country;
- (2) a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand); or
- (3) Taiwan.

SEC. 3008. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS DETAINED OR IMPRISONED BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

(a) AUTHORITY.—The President is authorized to use all means necessary and appropriate to bring about the release of any person described in subsection (b) who is being detained or imprisoned by, on behalf of, or at the request of the International Criminal Court.

(b) PERSONS AUTHORIZED TO BE FREED.—The authority of subsection (a) shall extend to the following persons:

- (1) Covered United States persons.
- (2) Covered allied persons.
- (3) Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) AUTHORIZATION OF LEGAL ASSISTANCE.—When any person described in subsection (b) is arrested, detained, investigated, prosecuted, or imprisoned by, on behalf of, or at the request of the International Criminal Court, the President is authorized to direct any agency of the United States Government to provide—

- (1) legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, representation and other assistance in the manner provided in that section);
- (2) exculpatory evidence on behalf of that person; and
- (3) defense of the interests of the United States through appearance before the International Criminal Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.

(d) BRIBES AND OTHER INDUCEMENTS NOT AUTHORIZED.—This section does not authorize the payment of bribes or the provision of other such incentives to induce the release of a person described in subsection (b).

SEC. 3009. ALLIANCE COMMAND ARRANGEMENTS.

(a) REPORT ON ALLIANCE COMMAND ARRANGEMENTS.—Not later than 6 months after the date of the enactment of this Act, the

President should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(2) evaluating the degree to which members of the Armed Forces of the United States engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court.

(b) DESCRIPTION OF MEASURES TO ACHIEVE ENHANCED PROTECTION FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.—Not later than 1 year after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be made in order to reduce any risks to members of the Armed Forces of the United States identified pursuant to subsection (a)(2).

(c) SUBMISSION IN CLASSIFIED FORM.—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 3010. WITHHOLDINGS.

Funds withheld from the United States share of assessments to the United Nations or any other international organization during any fiscal year pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106-113; 113 Stat. 1501A-460), are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

SEC. 3011. APPLICATION OF SECTIONS 3004 AND 3006 TO EXERCISE OF CONSTITUTIONAL AUTHORITIES.

(a) IN GENERAL.—Sections 3004 and 3006 shall not apply to any action or actions with respect to a specific matter involving the International Criminal Court taken or directed by the President on a case-by-case basis in the exercise of the President's authority as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution or in the exercise of the executive power under article II, section 1 of the United States Constitution.

(b) NOTIFICATION TO CONGRESS.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 15 days after the President takes or directs an action or actions described in subsection (a) that would otherwise be prohibited under section 3004 or 3006, the President shall submit a notification of such action to the appropriate congressional committees. A notification under this paragraph shall include a description of the action, a determination that the action is in the national interest of the United States, and a justification for the action.

(2) EXCEPTION.—If the President determines that a full notification under paragraph (1) could jeopardize the national security of the United States or compromise a United States law enforcement activity, not

later than 15 days after the President takes or directs an action or actions referred to in paragraph (1) the President shall notify the appropriate congressional committees that an action has been taken and a determination has been made pursuant to this paragraph. The President shall provide a full notification under paragraph (1) not later than 15 days after the reasons for the determination under this paragraph no longer apply.

(c) CONSTRUCTION.—Nothing in this section shall be construed as a grant of statutory authority to the President to take any action.

SEC. 3012. NONDELEGATION.

The authorities vested in the President by sections 3003 and 3011(a) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law. The authority vested in the President by section 3005(c)(3) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law to any official other than the Secretary of Defense, and if so delegated may not be subdelegated.

SEC. 3013. DEFINITIONS.

As used in this title and in section 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) CLASSIFIED NATIONAL SECURITY INFORMATION.—The term "classified national security information" means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

(3) COVERED ALLIED PERSONS.—The term "covered allied persons" means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

(4) COVERED UNITED STATES PERSONS.—The term "covered United States persons" means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, and other persons employed by or working on behalf of the United States Government, for so long as the United States is not a party to the International Criminal Court.

(5) EXTRADITION.—The terms "extradition" and "extradite" mean the extradition of a person in accordance with the provisions of chapter 209 of title 18, United States Code, (including section 3181(b) of such title) and such terms include both extradition and surrender as those terms are defined in Article 102 of the Rome Statute.

(6) INTERNATIONAL CRIMINAL COURT.—The term "International Criminal Court" means the court established by the Rome Statute.

(7) MAJOR NON-NATO ALLY.—The term "major non-NATO ally" means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(8) PARTICIPATE IN ANY PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term "participate in any peacekeeping operation under chapter VI of the charter of the United Na-

tions or peace enforcement operation under chapter VII of the charter of the United Nations" means to assign members of the Armed Forces of the United States to a United Nations military command structure as part of a peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations in which those members of the Armed Forces of the United States are subject to the command or operational control of one or more foreign military officers not appointed in conformity with article II, section 2, clause 2 of the Constitution of the United States.

(9) PARTY TO THE INTERNATIONAL CRIMINAL COURT.—The term "party to the International Criminal Court" means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(10) PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term "peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations" means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.

(11) ROME STATUTE.—The term "Rome Statute" means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(12) SUPPORT.—The term "support" means assistance of any kind, including financial support, transfer of property or other material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(13) UNITED STATES MILITARY ASSISTANCE.—The term "United States military assistance" means—

(A) assistance provided under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees, under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

SEC. 3014. REPEAL OF LIMITATION.

The Department of Defense Appropriations Act, 2002 (division A of Public Law 107-117) is amended by striking section 8173.

SA 3598. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 3 and 4, insert the following:

SEC. 807. LOCAL EDUCATIONAL AGENCY SERVING NEW YORK CITY.

Notwithstanding section 1124(c)(2) of the Elementary and Secondary Education Act of

1965 (20 U.S.C. 6333(c)(2)), for fiscal year 2002, if the local educational agency serving New York City receives an allocation under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) in an amount that is greater than the amount received by the agency under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) for fiscal year 2001, then—

(1) the agency shall distribute any funds in excess of the amount of the fiscal year 2001 allocation on an equal per-pupil basis consistent with section 1113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)); and

(2) each county in New York City shall receive an amount from the agency that is not less than the amount the county received in fiscal year 2001.

SA 3599. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, between lines 12 and 13, insert the following:

SEC. 102. EXEMPTION OF MARKET LOSS ASSISTANCE FOR APPLE PRODUCERS FROM ADMINISTRATIVE OFFSET.

Section 10105 of the Farm Security and Rural Investment Act of 2002 (Public Law 107-171) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d) ADMINISTRATIVE OFFSET.—Payments under this section shall not be subject to administrative offset, including administrative offset under chapter 37 of title 31, United States Code.”

SA 3600. Mrs. TORRICELLI (for herself and Mr. CORZINE) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, line 23, insert after “security,” the following: “\$651,000 shall be for reimbursement of the Robert Wood Johnson Hospital in Hamilton, New Jersey for expenses related to the testing and treatment of United States Postal Workers who were exposed to the anthrax virus at the Hamilton Township Postal Facility in October of 2001.”

SA 3601. Mr. TORRICELLI (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 51, between lines 14 and 15, insert the following:

INDEPENDENT AGENCY

NUCLEAR REGULATORY COMMISSION

Funds made available under the heading “NUCLEAR REGULATORY COMMISSION” under the heading “INDEPENDENT AGENCY” in chapter 5 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act,

2002 (115 Stat. 2309), shall be used to reimburse the State of New Jersey for the costs incurred by the State, as certified by the Governor of the State, in providing increased security for the Oyster Creek and Salem-Hope Creek nuclear power plants in the State since September 11, 2001.

SA 3602. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 101, after line 23, insert the following:

SEC. 1008. Not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report—

(A) explaining how the Administrator will address the air traffic controller staffing shortage at Newark International Airport; and

(B) providing a deadline by which the airport will have an adequate number of air traffic controllers.

SA 3603. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 101, after line 23, insert the following:

SEC. 1008. It is the sense of the Senate that—

(1) Newark International Airport has an inadequate number of air traffic controllers;

(2) there is cause for concern about passenger safety at Newark International Airport as a result of the inadequate number of air traffic controllers at the airport;

(3) the number of passengers using air transportation is expected to continue to increase, and will eventually equal or exceed the number of passengers using air transportation prior to September 11, 2001;

(4) an increase in passenger volume will exacerbate the effects of the air traffic controller shortage at Newark International Airport;

(5) Newark International Airport was the busiest airport in the New York Metropolitan Area in 2001, with more than 30,000,000 passengers arriving at or departing from the airport;

(6) Newark International Airport provides substantial economic benefits to its region including—

(A) the direct employment of more than 24,000 people at the airport; and

(B) contributing \$11,300,000,000 in economic activity to the New York-New Jersey Metropolitan Region, including \$3,300,000,000 in wages for some 100,000 jobs derived from airport activity; and

(7) the Administrator of the Federal Aviation Administration should act expeditiously—

(A) to determine the number of the air traffic controllers needed at Newark International Airport to ensure—

(i) safe travel for passengers; and

(ii) the continued smooth operation of the airport; and

(B) to ensure that the number of air traffic controllers described in paragraph (A) are in place at the Newark International Airport.

SA 3604. Mr. HOLLINGS submitted an amendment intended to be proposed

by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 19, before the period insert the following: “: *Provided further*, That of the amount appropriated under this heading in Public Law 107-117, \$6,400,000 shall be for infrastructure and network requirements of the Federal Bureau of Investigation Laboratory”.

SA 3605. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, between lines 3 and 4, insert the following:

SEC. 505. That portion of the former Charleston, South Carolina, Naval Base (including all associated improvements and fixtures) on which is situated a law enforcement training facility for the Department of Justice shall not be transferred to, or transferred for the direct or indirect use or benefit of, the State of South Carolina or any locality or subdivision thereof.

SA 3606. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill insert the following:

SEC. . . . TREATMENT OF CERTAIN COUNTIES FOR PURPOSES OF REIMBURSEMENT UNDER THE MEDICARE PROGRAM.

(a) RECLASSIFICATION OF CERTAIN PENNSYLVANIA COUNTIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, subject to paragraph (3), effective for discharges occurring during fiscal year 2002, for purposes of making payments under subsections (d) and (j) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) to hospitals (including rehabilitation hospitals and rehabilitation units under such subsection (j))—

(A) in Columbia, Lackawanna, Luzerne, Wyoming, and Lycoming Counties, Pennsylvania, such counties are deemed to be located in the Allentown-Bethlehem-Easton, Pennsylvania Metropolitan Statistical Area;

(B) in Mercer County, Pennsylvania, such county is deemed to be located in Youngstown-Warren, Ohio Metropolitan Statistical Area; and

(C) in Northumberland County, Pennsylvania, such county is deemed to be located in the Harrisburg-Lebanon-Carlisle, Pennsylvania Metropolitan Statistical Area.

(2) RULES.—The reclassifications made under paragraph (1) with respect to a subsection (d) hospital shall be treated as a decision of the Medicare Geographic Classification Review Board under paragraph (10) of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)).

(3) LIMITATION ON APPLICATION DURING FISCAL YEAR 2002.—With respect to fiscal year 2002, this subsection shall apply only to discharges occurring on and after July 1, 2002.

(b) IMPLEMENTATION OF PROVISIONS.—The Secretary of Health and Human Services shall implement the provisions of subsection (a) by program memorandum. In implementing such provisions, the Secretary shall

recalculate new standardized amounts, weighting factors, rates, and wage indices by July 1, 2002, in a manner that assures overall budget neutrality.

SA 3607. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, after line 2 insert the following:

STATE AND TRIBAL ASSISTANCE GRANTS

The referenced statement of the managers under this heading in Public Law 106-377 is deemed to be amended by striking everything after "\$1,000,000" in reference to item 91 and inserting "to the Northern Kentucky Area Development District for Carroll County Wastewater Infrastructure Project (\$500,000), City of Owenton Water Collection and Treatment System Improvements and Freshwater Intake Project (\$400,000), Grant County Williamstown Lake Expansion Study (\$50,000), and Pendleton County Williamstown Lake Expansion Study (\$50,000)".

SA 3608. Mr. KENNEDY (for himself, Mr. SMITH of Oregon, Mrs. BOXER, Mr. DODD, Mr. REID, Mrs. MURRAY, Mr. DURBIN, and Mr. REED) proposed an amendment to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 89, between lines 3 and 4, insert the following:

SEC. 807. EMERGENCY SUMMER SCHOOL FUNDING.

(a) FINDINGS; PURPOSE.—

(1) FINDINGS.—Congress finds the following:

(A) Under the amendments made by the No Child Left Behind Act of 2001, students and schools rightly are held accountable for meeting challenging State academic content and student academic achievement standards in mathematics, reading or language arts, and science.

(B) Summer programs and activities supported under the 21st Century Community Learning Centers program are critical to providing supplemental academic services and academic enrichment activities designed to help students meet local and State academic standards.

(C) Summer programs and activities supported under the 21st Century Community Learning Centers program help children and the children's families in the areas of youth development, drug and violence prevention, and character education.

(D) During the summer of 2002, school districts throughout the Nation will confront more than \$150,000,000 in cuts to summer school programs, eliminating services and academic support to more than 150,000 struggling children.

(2) PURPOSE.—The purpose of this section is to provide opportunities for communities to provide summertime activities in community learning centers that—

(A) provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet State and local student academic achievement standards in core academic subjects, such as reading and mathematics; and

(B) offer students an array of additional services, programs, and activities, such as youth development activities, drug and violence prevention programs, counseling pro-

grams, art, music, and recreation programs, technology education programs, and character education programs, that are designed to reinforce and complement the regular academic program of participating students.

(b) FUNDING FOR SUMMER SCHOOL PROGRAMS.—

(1) IN GENERAL.—That, in addition to amounts otherwise available to carry out section 4205(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7175(a)), \$150,000,000 shall be available to carry out activities described in section 4205(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7175(a)) during the 2002 summer recess period.

(2) AWARDING OF GRANTS.—

(A) IN GENERAL.—Notwithstanding section 4202 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7172), the Secretary of Education shall award grants with funds made available under paragraph (1) on a competitive basis to eligible entities serving communities whose local educational agencies are not able to meet fully the communities' need for summer school programs.

(B) PRIORITY.—In awarding grants under subparagraph (A), the Secretary of Education shall give priority to an eligible entity that is a local educational agency or who serves a community whose local educational agency—

(i) serves high concentrations or numbers of low-income children;

(ii) before June 6, 2002, announced that the local educational agency is canceling or reducing summer school services in 2002; or

(iii) is located in a State whose State educational agency, before June 6, 2002, announced that the State educational agency is canceling or reducing summer school funding for 2002.

(3) APPLICATION AND OBLIGATION.—

(A) APPLICATION.—Notwithstanding sections 4203 and 4204 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7173 and 7174), an eligible entity that desires a grant under this section shall submit an application to the Secretary of Education at such time and in such manner as the Secretary of Education may require.

(B) OBLIGATION.—Not later than 4 weeks after the date of enactment of this section, the Secretary of Education shall obligate funds made available under this section.

(4) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" has the meaning given the term in section 4201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171).

SA 3609. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, "WATER AND RELATED RESOURCES" for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, \$4,000,000, to remain available until expended: *Provided*, That using the funds appropriated herein, the Commissioner of the Bureau of Reclamation shall lease the use of up to 38,000 acre feet of emergency water for the Rio Grande in New Mexico, in compliance with the existing biological opinion: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)

of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3610. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 51, line 22, strike "\$30,000,000", and replace it in lieu thereof "\$34,000,000".

At the appropriate place, insert the following:

SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, "WATER AND RELATED RESOURCES" for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, \$4,000,000, to remain available until expended: *Provided*, That using the funds appropriated herein, the Commissioner of the Bureau of Reclamation shall lease the use of up to 38,000 acre feet of emergency water for the Rio Grande in New Mexico, in compliance with the existing biological opinion.

SA 3611. Mr. THOMPSON (for himself and Mr. FRIST) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 86, between lines 2 and 3, insert the following:

"(5) the provision specifying \$835,000 for the Benjamin L. Hooks Institute for Social Change shall be deemed to read as follows: 'The Benjamin L. Hooks Institute for Social Change in Memphis, Tennessee for an endowment to pursue a broad programmatic agenda that emphasizes the continued importance of the Civil Rights Movement and encourages academic research and community outreach, \$835,000'."

SA 3612. Ms. COLLINS (for herself, Mr. NELSON of Nebraska, Mr. SMITH of Oregon, Mr. HUTCHINSON, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 3 and 4, insert the following:

SEC. 807. (a) TEMPORARY INCREASE OF MEDICAID FMAP.—

(1) PERMITTING MAINTENANCE OF FISCAL YEAR 2001 FMAP FOR LAST 2 CALENDAR QUARTERS OF FISCAL YEAR 2002.—Notwithstanding any other provision of law, but subject to paragraph (5), if the FMAP determined without regard to this subsection for a State for fiscal year 2002 is less than the FMAP as so determined for fiscal year 2001, the FMAP for the State for fiscal year 2001 shall be substituted for the State's FMAP for the third and fourth calendar quarters of fiscal year 2002, before the application of this subsection.

(2) PERMITTING MAINTENANCE OF FISCAL YEAR 2002 FMAP FOR FISCAL YEAR 2003.—Notwithstanding any other provision of law, but subject to paragraph (5), if the FMAP determined without regard to this subsection for a State for fiscal year 2003 is less than the FMAP as so determined for fiscal year 2002,

the FMAP for the State for fiscal year 2002 shall be substituted for the State's FMAP for each calendar quarter of fiscal year 2003, before the application of this subsection.

(3) GENERAL 1 PERCENTAGE POINT INCREASE FOR LAST 2 CALENDAR QUARTERS OF FISCAL YEAR 2002 AND FISCAL YEAR 2003.—Notwithstanding any other provision of law, but subject to paragraphs (5) and (6), for each State for the third and fourth calendar quarters of fiscal year 2002 and each calendar quarter of fiscal year 2003, the FMAP (taking into account the application of paragraphs (1) and (2)) shall be increased by 1 percentage point.

(4) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Notwithstanding any other provision of law, but subject to paragraph (6), with respect to the third and fourth calendar quarters of fiscal year 2002 and each calendar quarter of fiscal year 2003, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by an amount equal to 2 percent of such amounts.

(5) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this subsection shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(A) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r-4); or

(B) payments under titles IV and XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.).

(6) STATE ELIGIBILITY.—

(A) IN GENERAL.—A State is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) is no more restrictive than the eligibility under such plan (or waiver) as in effect on January 1, 2002.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as affecting a State's flexibility with respect to benefits offered under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)).

(7) DEFINITIONS.—In this subsection:

(A) FMAP.—The term "FMAP" means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(B) STATE.—The term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(8) REPEAL.—Effective as of October 1, 2003, this subsection is repealed.

(b) ADDITIONAL TEMPORARY STATE FISCAL RELIEF.—

(1) IN GENERAL.—Title XX of the Social Security Act (42 U.S.C. 1397-1397f) is amended by adding at the end the following:

"SEC. 2008. ADDITIONAL TEMPORARY GRANTS FOR STATE FISCAL RELIEF.

"(a) IN GENERAL.—For the purpose of providing State fiscal relief allotments to States under this section, there are hereby appropriated, out of any funds in the Treasury not otherwise appropriated, \$4,430,280,000. Such funds shall be available for obligation by the State through June 30, 2004, and for expenditure by the State through September 30, 2004. This section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment to

States of amounts provided under this section.

"(b) ALLOTMENT.—Funds appropriated under subsection (a) shall be allotted by the Secretary among the States in accordance with the following table:

"State	Allotment (in dollars)
Alabama	\$48,732,000
Alaska	\$12,715,000
Amer. Samoa	\$126,000
Arizona	\$67,139,000
Arkansas	\$36,666,000
California	\$459,264,000
Colorado	\$40,650,000
Connecticut	\$61,497,000
Delaware	\$11,920,000
District of Columbia	\$17,700,000
Florida	\$185,836,000
Georgia	\$98,525,000
Guam	\$193,000
Hawaii	\$13,378,000
Idaho	\$15,587,000
Illinois	\$156,504,000
Indiana	\$76,215,000
Iowa	\$38,784,000
Kansas	\$31,843,000
Kentucky	\$65,707,000
Louisiana	\$75,795,000
Maine	\$27,392,000
Maryland	\$65,445,000
Massachusetts	\$155,344,000
Michigan	\$133,966,000
Minnesota	\$83,144,000
Mississippi	\$48,596,000
Missouri	\$102,266,000
Montana	\$11,590,000
Nebraska	\$24,095,000
Nevada	\$14,595,000
New Hampshire	\$15,423,000
New Jersey	\$126,921,000
New Mexico	\$32,476,000
New York	\$693,453,000
North Carolina	\$127,427,000
North Dakota	\$8,382,000
N. Mariana Islands	\$71,000
Ohio	\$171,776,000
Oklahoma	\$45,262,000
Oregon	\$49,868,000
Pennsylvania	\$231,978,000
Puerto Rico	\$11,702,000
Rhode Island	\$24,185,000
South Carolina	\$57,178,000
South Dakota	\$9,177,000
Tennessee	\$119,003,000
Texas	\$232,167,000
Utah	\$18,074,000
Vermont	\$11,545,000
Virgin Islands	\$189,000
Virginia	\$63,699,000
Washington	\$96,068,000
West Virginia	\$29,260,000
Wisconsin	\$68,664,000
Wyoming	\$5,123,000
Total	\$4,430,280,000

"(c) USE OF FUNDS.—Funds appropriated under this section may be used by a State for services directed at the goals set forth in section 2001, subject to the requirements of this title.

"(d) PAYMENT TO STATES.—Not later than 30 days after amounts are appropriated under subsection (a), in addition to any payment made under section 2002 or 2007, the Secretary shall make a lump sum payment to a State of the total amount of the allotment for the State as specified in subsection (b).

"(e) DEFINITION.—For purposes of this section, the term "State" means the 50 States, the District of Columbia, and the territories contained in the list under subsection (b)."

(2) REPEAL.—Effective as of January 1, 2005, section 2008 of the Social Security Act, as added by paragraph (1), is repealed.

(c) EMERGENCY DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

SA 3613. Ms. COLLINS submitted an amendment intended to be proposed by

her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 2 and 3, insert the following:

SEC. 307. The Secretary of Defense shall transfer to the Secretary of the Interior, from amounts appropriated by this chapter for operation and maintenance, Defense-wide, \$4,000,000, to support the conversion of the Naval Security Group, Winter Harbor (the naval base on Schoodic Peninsula), Maine, to utilization as a research and education center for Acadia National Park, Maine, including the preparation of a plan for the reutilization of the naval base for such purpose that will benefit communities in the vicinity of the naval base and visitors to Acadia National Park and will stimulate important research and educational activities.

SA 3614. Mr. WYDEN (for himself, Mr. SMITH of Oregon, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following new section:

SEC. . FISHING CAPACITY REDUCTION PROGRAM FOR THE PACIFIC COAST GROUND FISH FISHERY.

In addition to amounts appropriated or otherwise made available by this Act, there are appropriated to the Secretary of Commerce \$500,000 to be made available until expended for the cost of direct loans, not to exceed \$50,000,000, as authorized by section 1111 of Merchant Marine Act, 1936 (46 U.S.C. 1279f) to carry out a fishing capacity reduction program for the Pacific Coast groundfish fishery under section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(b)).

SA 3615. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 71, at the end of line 23, strike the "." and insert the following: "": *Provided*, That the Secretary of Agriculture shall draft and submit to Congress legislation implementing the agreement recently reached between the interested parties, including the Department of Justice and the Department of Agriculture, regarding management of the Black Hills National Forest which shall include actions for protection of resources and communities from fire."

SA 3616. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, after line 12, insert the following:

SEC. . SENSE OF THE SENATE ON COMPENSATION TO PRODUCERS OF POULTRY AFFECTED BY AVIAN INFLUENZA.

It is the Sense of the Senate that the Secretary of Agriculture act expeditiously to

provide compensation through the Commodity Credit Corporation to producers of poultry that have been affected by outbreaks of avian influenza in Virginia, West Virginia, and other states which have resulted in the destruction of poultry flocks in order to contain this disease.

SA 3617. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, line 5, strike “\$100,000,000” and insert “\$102,500,000, of which \$2,500,000 shall be made available for infrastructure security improvements to be carried out by the Providence Water Supply Board in Providence, Rhode Island”.

SA 3618. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, between lines 9 and 10, insert the following:

For an additional amount for infrastructure security improvements to be carried out by the Providence Water Supply Board in Providence, Rhode Island, \$2,500,000.

SA 3619. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, line 14, strike “\$315,333,000” and insert “\$318,333,000, of which \$3,000,000 shall be available for the redesign and expansion of the emergency department at Rhode Island Hospital in Providence, Rhode Island”.

SA 3620. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In chapter 3 of title I under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY”, insert before “That” the following: “That of the funds appropriated by this paragraph, \$5,000,000 shall be available for a high speed vessel demonstration project to test American-made vessels as part of the Joint Venture HSV—XI experimentation series of the Naval Warfare Development Command: *Provided further,*”.

SA 3621. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 3 and 4, insert the following:

SEC. 8 . PEDIATRIC LABELING.

No funds made available under this Act or any other Act for fiscal year 2003 shall be used to terminate or suspend implementation of sections 201.23, 314.55, 601.27, and 601.37 of title 21, Code of Federal Regula-

tions, as promulgated by the Secretary of Health and Human Services in the final rule dated November 24, 1998 (63 Fed. Reg. 66632 (December 2, 1998)), or the amendments made in that final rule to sections 312.23, 312.47, 312.82, 314.50, and 314.81 of that title, requiring manufacturers of drugs and biological products to assess the safety and effectiveness of new drugs and biological products in pediatric patients.

SA 3622. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 2 of title I, add the following:

SEC. 210. (a) APPROPRIATION FOR GULF STATES INITIATIVE.—(1) There is hereby appropriated \$12,000,000 for the Gulf States Initiative.

(2) The amount appropriated by paragraph (1) is in addition to any other amounts appropriated by this Act for the Gulf States Initiative.

(b) **AVAILABILITY FOR COUNTER-DRUG AND COUNTER-TERRORISM OPERATIONS.**—Of the amount appropriated by this Act for the Gulf States Initiative, as increased (if at all) by subsection (a), \$12,000,000 shall be available under that Initiative for counter-drug and counter-terrorism operations.

(c) **OFFSET.**—The amount appropriated by chapter 6 of title I under the heading “FOREIGN MILITARY FINANCING PROGRAM” is hereby reduced by \$12,000,000.

SA 3623. Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding section 2602(e) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621(e)), the \$300,000,000 in funding for the Low-Income Home Energy Assistance program provided by the Supplemental Appropriations Act, 2001 (Public Law 107-20), shall be distributed as provided for by section 2604(a) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8623(a)) upon the date of enactment of this Act.

SA 3624. Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . AVAILABILITY OF NON-FAT DRY MILK.

(a) **IN GENERAL.**—Pursuant to section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall make available, for fiscal years 2002 and 2003, a total of 100,000 metric tons of non-fat dry milk to private voluntary organizations and cooperatives to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (referred to in this section as “HIV/AIDS”) on heavily impacted communities.

(b) **USE OF AVAILABLE MILK.**—Of the amount of non-fat dry milk made available for each fiscal year under subsection (a), the Secretary shall—

(1) use 30 percent of such milk for direct distribution—

(A) through programs that address mother-to-child transmission of HIV to boost nutrition in hospitals, clinics, schools, and home health care and related programs and activities;

(B) to households and institutions in communities heavily affected by HIV/AIDS, particularly for HIV/AIDS activities related to the needs of HIV/AIDS orphaned children; and

(C) through school feeding programs in affected school systems and communities; and

(2) monetize the remaining 70 percent of such milk and use such funds for—

(A) programs to increase the nutritional status of HIV-positive mothers through home care, clinics, hospitals, and community programs;

(B) programs to create and restore sustainable livelihoods for HIV-positive mothers, children, and others directly affected through the loss of family incomes due to HIV/AIDS; and

(C) programs that fund school nutrition activities that are targeted to communities that are adversely affected by HIV/AIDS in order to assist, educate, and provide nutrition to HIV/AIDS orphans, children, and families adversely affected by HIV/AIDS.

(c) **LIMITATION.**—None of the commodities or funds made available under this section shall be used to provide or promote dairy products as a substitute for breast feeding.

(d) **APPROPRIATIONS.**—In addition to other amounts appropriated or made available under this section—

(1) \$10,000,000 shall be made available for fiscal years 2002 and 2003, to be used for ocean and inland transportation and related activities necessary to carry out this section;

(2) \$3,000,000 shall be made available for fiscal years 2002 and 2003, to be used for accounting, monitoring, and evaluation expenses incurred by the Secretary of Agriculture in carrying out this section; and

(3) \$5,000,000 shall be made available for fiscal years 2002 and 2003, to be used for expenses incurred by private and voluntary organizations and cooperatives related to market assessments, project design, fortification, distribution, and other project expenses.

SA 3625. Mr. COCHRAN submitted an amendment intended to be postponed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill insert the following:

SEC. . Of the funds made available under the heading “Courts of Appeals, District Courts, and Other Judicial Services, Salaries, and Expenses” in title III of Public Law 107-77, \$1,000,000 shall be transferred to, and merged with, funds available for “Repairs and Alterations” under the heading “General Services Administration: Real Property Activities, Federal Buildings Fund, Limitations on Availability of Revenue” in title IV of Public Law 107-67, to be available only for the repair and alteration of the space designated for use by the U.S. Marshals Service in Natchez, Mississippi.

SA 3626. Mr. BOND (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending

September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, line 19, strike "\$10,000,000" and all that follows through line 6 on page 49 and insert in lieu thereof the following: "\$22,200,000, to remain available until expended: *Provided*, That using funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers is directed to repair, restore and clean-up Corp's projects and facilities and dredge navigation channels, restore and clean out area streams, provide emergency streambank protection, restore other crucial public infrastructure (including sewer and water facilities), document flood impacts and undertake other flood recovery efforts deemed necessary and advisable by the Chief of Engineers due to the May 2002 flooding in eastern Kentucky, Illinois, Missouri, southwestern Virginia, and southern West Virginia: *Provided*, That the \$22,200,000 is designated by the Congress as an Emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A))."

SA 3627. Mr. BYRD (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

On page 48, line 19, strike "\$10,000,000" and insert in lieu thereof "\$32,000,000".

On page 49, line 4, strike "the May 2002".

On page 49, line 5, strike "and" and insert in lieu thereof ",".

On page 49, line 6, before the ".", insert ", Western Illinois, Eastern Missouri, and the Upper Peninsula of Michigan".

SA 3628. Mr. BAUCUS (for himself, Mr. BURNS, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

On page 116, between lines 8 and 9, insert the following:

TITLE _____—EMERGENCY AGRICULTURAL ASSISTANCE

Subtitle A—Assistance

SEC. 01. INCOME LOSS ASSISTANCE.

(a) MANDATORY FUNDING.—The Secretary of Agriculture (referred to in this subtitle as the "Secretary") shall use \$1,800,000,000 of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers on a farm that have incurred qualifying income losses in calendar year 2001, including losses due to army worms.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-55), including using the same loss thresholds for the quantity and economic losses as were used in administering that section.

(c) USE OF FUNDS FOR CASH PAYMENTS.—The Secretary may use funds made available under this section to make, in a manner consistent with this section, cash payments not

for crop disasters, but for income loss to carry out the purposes of this section.

SEC. 02. LIVESTOCK ASSISTANCE PROGRAM.

(a) MANDATORY FUNDING.—The Secretary shall use \$500,000,000 of the funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2001 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001, of which \$12,000,000 shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105-277; 114 Stat. 1549A-51).

SEC. 03. COMMODITY CREDIT CORPORATION.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this subtitle.

SEC. 04. ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—In addition to funds otherwise available, not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to pay the salaries and expenses of the Department of Agriculture in carrying out this subtitle \$50,000,000, to remain available until expended.

(b) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subsection (a), without further appropriation.

SEC. 05. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this subtitle.

(b) PROCEDURE.—The promulgation of the regulations and administration of this subtitle shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Subtitle B—Offsets

SEC. 11. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—Except as provided in subsection (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale

shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) EXCLUSION FOR CERTAIN GAIN.—The amount which would (but for this paragraph) be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by \$600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(4) COST-OF-LIVING-ADJUSTMENT.—

"(A) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2002, the \$600,000 amount under paragraph (3) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.

"(B) ROUNDING RULES.—If any amount after adjustment under subparagraph (A) is not a multiple of \$1,000, such amount shall be rounded to the next lower multiple of \$1,000.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2)(A) for the property, or

"(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

“(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

“(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

“(7) INTEREST.—For purposes of section 6601—

“(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

“(B) section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(C) COVERED EXPATRIATE.—For purposes of this section—

“(1) IN GENERAL.—Except as provided in paragraph (2), the term ‘covered expatriate’ means an expatriate.

“(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

“(A) the individual—

“(i) became a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

“(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

“(B)(i) the individual’s relinquishment of United States citizenship occurs before such individual attains age 18½, and

“(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

“(d) SECTION NOT TO APPLY TO CERTAIN PROPERTY.—This section shall not apply to the following:

“(1) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

“(2) INTEREST IN CERTAIN RETIREMENT PLANS.—

“(A) IN GENERAL.—Any interest in a qualified retirement plan (as defined in section 4974(c)), other than any interest attributable to contributions which are in excess of any limitation or which violate any condition for tax-favored treatment.

“(B) FOREIGN PENSION PLANS.—

“(i) IN GENERAL.—Under regulations prescribed by the Secretary, interests in foreign pension plans or similar retirement arrangements or programs.

“(ii) LIMITATION.—The value of property which is treated as not sold by reason of this subparagraph shall not exceed \$500,000.

“(3) SPECIFIED PROPERTY.—Any property or interest in property not described in paragraph (1) or (2) which the Secretary specifies in regulations.

“(e) DEFINITIONS.—For purposes of this section—

“(1) EXPATRIATE.—The term ‘expatriate’ means—

“(A) any United States citizen who relinquishes citizenship, and

“(B) any long-term resident of the United States who—

“(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

“(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

“(2) EXPATRIATION DATE.—The term ‘expatriation date’ means—

“(A) the date an individual relinquishes United States citizenship, or

“(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

“(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

“(A) the date the individual renounces such individual’s United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

“(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

“(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

“(D) the date a court of the United States cancels a naturalized citizen’s certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

“(4) LONG-TERM RESIDENT.—The term ‘long-term resident’ has the meaning given to such term by section 877(e)(2).

“(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES’ INTERESTS IN TRUST.—

“(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

“(A) the individual shall not be treated as having sold such interest,

“(B) such interest shall be treated as a separate share in the trust, and

“(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

“(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

“(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual’s share in the trust.

“(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

“(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

“(i) paragraph (1) and subsection (a) shall not apply, and

“(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

“(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

“(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

“(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

“(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

“(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

“(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

“(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

“(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

“(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary’s interest in a trust is the amount of gain which would be allocable to such beneficiary’s vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

“(E) TAX DEDUCTED AND WITHHELD.—

“(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

“(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

“(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

“(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

“(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

“(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

“(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the

amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

“(G) DEFINITIONS AND SPECIAL RULE.—For purposes of this paragraph—

“(i) QUALIFIED TRUST.—The term ‘qualified trust’ means a trust which is described in section 7701(a)(30)(E).

“(ii) VESTED INTEREST.—The term ‘vested interest’ means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

“(iii) NONVESTED INTEREST.—The term ‘nonvested interest’ means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

“(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

“(3) DETERMINATION OF BENEFICIARIES’ INTEREST IN TRUST.—

“(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary’s interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

“(B) OTHER DETERMINATIONS.—For purposes of this section—

“(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

“(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

“(I) the methodology used to determine that taxpayer’s trust interest under this section, and

“(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary’s trust interest under this section.

“(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

“(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

“(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

“(h) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.”

(b) TAX ON GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—

(1) IN GENERAL.—Subtitle B (relating to estate and gift taxes) is amended by inserting after chapter 14 the following new chapter:

“CHAPTER 15—GIFTS AND BEQUESTS FROM EXPATRIATES

“Sec. 2801. Imposition of tax.

“SEC. 2801. IMPOSITION OF TAX.

“(a) IN GENERAL.—If, during any calendar year, any United States citizen or resident receives any covered gift or bequest, there is

hereby imposed a tax equal to the product of—

“(1) the highest rate of tax specified in the table contained in section 2001(c) as in effect on the date of such receipt, and

“(2) the value of such covered gift or bequest.

“(b) TAX TO BE PAID BY RECIPIENT.—The tax imposed by subsection (a) on any covered gift or bequest shall be paid by the person receiving such gift or bequest.

“(c) EXCEPTION FOR CERTAIN GIFTS.—Subsection (a) shall apply only to the extent that the covered gifts and bequests received during the calendar year exceed the amount determined under section 2503(b)(2).

“(d) TAX REDUCED BY FOREIGN GIFT OR ESTATE TAX.—The tax imposed by subsection (a) on any covered gift or bequest shall be reduced by the amount of any gift or estate tax paid to a foreign country with respect to such covered gift or bequest.

“(e) COVERED GIFT OR BEQUEST.—

“(1) IN GENERAL.—For purposes of this chapter, the term ‘covered gift or bequest’ means—

“(A) any property acquired by gift directly or indirectly from an individual who, at the time of such acquisition, was a covered expatriate, and

“(B) any property acquired by bequest, devise, or inheritance directly or indirectly from an individual who, at the time of death, was a covered expatriate.

“(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Such term shall not include—

“(A) any property shown on a timely filed return of tax imposed by chapter 12 which is a taxable gift by the covered expatriate, and

“(B) any property shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate.

“(3) TRANSFERS IN TRUST.—Any covered gift or bequest which is made in trust shall be treated as made to the beneficiaries of such trust in proportion to their respective interests in such trust (as determined under section 877A(f)(3)).

“(f) COVERED EXPATRIATE.—For purposes of this section, the term ‘covered expatriate’ has the meaning given to such term by section 877A(c).”

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle B is amended by inserting after the item relating to chapter 14 the following new item:

“Chapter 15. Gifts and bequests from expatriates.”

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

“(48) TERMINATION OF UNITED STATES CITIZENSHIP.—

“(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual’s citizenship is treated as relinquished under section 877A(e)(3).

“(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.”

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

“(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is determined by the

Attorney General, after consultation with the Secretary of the Treasury, not to be in compliance with sections 877A and 2801 of such Code (relating to expatriation).”

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(i) (relating to disclosure to Federal officers or employees for administration of Federal laws not relating to tax administration) is amended by adding at the end the following new paragraph:

“(8) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Except as provided in paragraph (6), upon written request of the Attorney General, the return of an individual or return information with respect to such individual shall be open to inspection by, or disclosure to, officers and employees of the Federal agency responsible for making a determination under section 212(a)(10)(E) of the Immigration and Nationality Act for the purpose of, and to the extent necessary in, making such determination with respect to such individual.”

(B) CONFORMING AMENDMENT.—Section 6103(i)(6) (relating to confidential informants; impairment of investigations) is amended by striking “(5), or (7)” and inserting “(5), (7), or (8)”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

“(g) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of first passage by the Senate of legislation adding section 877A to this title.”

(2) Section 2107 is amended by adding at the end the following new subsection:

“(f) APPLICATION.—This section shall not apply to any expatriate to whom section 877A applies.”

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

“(F) APPLICATION.—This paragraph shall not apply to any expatriate to whom section 877A applies.”

(4)(A) Paragraph (1) of section 6039G(d) is amended by inserting “or 877A” after “section 877”.

(B) The second sentence of section 6039G(e) is amended by inserting “or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))” after “877(a)”.

(C) Section 6039G(f) is amended by inserting “or 877A(e)(2)(B)” after “877(e)(1)”.

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 of such Code is amended by inserting after the item relating to section 877 the following new item:

“Sec. 877A. Tax responsibilities of expatriation.”

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the first passage by the Senate of this section.

(2) GIFTS AND BEQUESTS.—Chapter 15 of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to covered gifts and bequests (as defined in section 2801 of such Code, as so added) received on or after the date of the first passage by the Senate of this section from an individual or the estate of an individual whose expatriation date (as so defined) occurs on or after such date.

SEC. 12. REVIEW OF STATE AGENCY BLINDNESS AND DISABILITY DETERMINATIONS.

Section 1633 of the Social Security Act (42 U.S.C. 1383b) is amended by adding at the end the following:

“(e)(1) The Commissioner of Social Security shall review determinations, made by State agencies pursuant to subsection (a) in connection with applications for benefits under this title on the basis of blindness or disability, that individuals who have attained 18 years of age are blind or disabled as of a specified onset date. The Commissioner of Social Security shall review such a determination before any action is taken to implement the determination.

“(2)(A) In carrying out paragraph (1), the Commissioner of Social Security shall review—

“(i) at least 25 percent of all determinations referred to in paragraph (1) that are made in fiscal year 2003; and

“(ii) at least 50 percent of all such determinations that are made in fiscal year 2004 or thereafter.

“(B) In carrying out subparagraph (A), the Commissioner of Social Security shall, to the extent feasible, select for review the determinations which the Commissioner of Social Security identifies as being the most likely to be incorrect.”.

SA 3629. Ms. LANDRIEU (for herself and Mr. BREAUX) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, between lines 16 and 17, insert the following:

CONSTRUCTION, GENERAL

For an additional amount for “Construction, General”, \$15,408,000, which shall be used to carry out flood control projects in southeast Louisiana: *Provided*, That the entire amount made available under this heading is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

SA 3630. Ms. LANDRIEU (for herself and Mr. BREAUX) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, between lines 18 and 19, insert the following:

For an additional amount for “Operation and Maintenance, General”, \$14,000,000, which shall be used for the Mississippi River, Baton Rouge to the Gulf of Mexico, Louisiana: *Provided*, That the \$14,000,000 is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

SA 3631. Mr. KYL (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, between lines 4 and 5, insert the following:

SEC. 210. (a) Subject to subsection (b), the Attorney General shall, out of appropriations available to the Department of Justice made in Public Law 107-77, transfer to, and merge with, the appropriations account for the Immigration and Naturalization Service entitled “Salaries and Expenses” the following amounts for the following purposes:

(1) \$4,900,000 to cover an increase in pay for all Border Patrol agents who have completed at least one year’s service and are receiving an annual rate of basic pay for positions at GS-9 of the General Schedule under section 5332 of title 5, United States Code, from the annual rate of basic pay payable for positions at GS-9 of the General Schedule under such section 5332, to an annual rate of basic pay payable for positions at GS-11 of the General Schedule under such section 5332; and

(2) \$3,800,000 to cover an increase in pay for all immigration inspectors who have completed at least one year’s service and are receiving an annual rate of basic pay for positions at GS-9 of the General Schedule under section 5332 of title 5, United States Code, from the annual rate of basic pay payable for positions at GS-9 of the General Schedule under such section 5332, to an annual rate of basic pay payable for positions at GS-11 of the General Schedule under such section 5332.

(b) Funds transferred under subsection (a) shall be available for obligation and expenditure only in accordance with the procedures applicable to reprogramming notifications set forth in section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107-77; 115 Stat. 798).

(c) Not later than September 30, 2002, the Justice Management Division of the Department of Justice shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives describing the progress made in the development of the Chimera system.

(d) No funds available to the Immigration and Naturalization Service for technology activities in the fiscal year 2003 may be obligated or expended unless the program manager of the Chimera system approves the obligation or expenditure of those funds and so reports to the Attorney General.

SA 3632. Mr. KYL (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, line 19, before the period insert the following: “: *Provided*, That of the amount appropriated under this heading, \$500,000 shall be for the Center for Identification Technology Research at the West Virginia University for the purpose of developing interoperability standards and an application profile for technology neutral, portable, and data independent biometrics, in accordance with section 403(c)(2) of The USA PATRIOT Act (Public Law 107-56) and sections 201(c)(5) and 202(a)(4)(B) and title III of the Enhanced Border Security and Visa Reform Act (Public Law 107-173), and the amendments made by those provisions”.

SA 3633. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, beginning with line 18, strike through line 2 on page 21.

SA 3634. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, beginning with line 12, strike through line 4 on page 26.

SA 3635. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, strike lines 1 through 11.

SA 3636. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, beginning in line 1, strike “\$3,000,000 is to enhance the National Water Level Observation Network and”.

SA 3637. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 86, beginning with line 24, strike through line 8 on page 87.

SA 3638. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, beginning with line 22, strike through line 4 on page 88.

SA 3639. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 52, beginning with line 10, strike through line 22 on page 54.

SA 3640. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, beginning with line 15 strike through line 10 on page 78.

SA 3641. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, beginning with line 24, strike through line 8 on page 116.

SA 3642. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 71, beginning in line 8, strike "cities, and of which \$6,776,000 is for data storage infrastructure upgrades and emergency power supply system improvements at the Earth Resources Observations Systems Data Center:" and insert "cities:".

SA 3643. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, line 14, strike "\$3,125,000," and insert "\$2,360,000,".

SA 3644. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, strike lines 9 through 16.

SA 3645. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, beginning with line 14, strike through line 5 on page 77.

SA 3646. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 98, beginning with line 16, strike through line 2 on page 99.

SA 3647. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 102, line 11, strike "\$59,000,000," and insert "\$57,000,000,".

SA 3648. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, beginning with line 18, strike through line 6 on page 49.

SA 3649. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal

year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 113, strike lines 11 through 17.

SA 3650. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 57, beginning with "of" in line 13, strike through "That" in line 17.

SA 3651. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, line 2, strike "Santa Fe, New Mexico" and insert "any State determined by the Secretary of the Interior to be affected by the drought".

SA 3652. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 98, line 20, after "expenses" insert "(as determined by the Secretary of Transportation)".

On page 98, line 23, strike "to repair" and insert "for emergency repairs (as determined by the Secretary) to".

On page 98, line 24, strike "safety needs" and insert "safety and security needs (as determined by the Secretary)".

On page 99, line 1, strike "heavy overhaul" and insert "emergency heavy overhaul (as determined by the Secretary)".

SA 3653. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 23, add the following: SEC. 605. Of the amounts appropriated to the President for the United States Agency for International Development (USAID) for the fiscal year 2002 and made available for the Ocean Freight Reimbursement Program of USAID, \$300,000 shall be made available to the National Forum Foundation to implement the TRANSFORM Program to obtain available space on commercial ships for the shipment of humanitarian assistance to needy foreign countries.

SA 3654. Mr. SESSIONS (for himself and Mr. HUTCHINSON) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ FLOOR ON AREA WAGE ADJUSTMENT FACTORS USED UNDER MEDICARE PPS FOR INPATIENT AND OUTPATIENT HOSPITAL SERVICES.

(a) INPATIENT PPS.—Section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)) is amended—

(1) by inserting "(i) IN GENERAL.—" before "The Secretary", and adjusting the margin two ems to the right;

(2) by striking "The Secretary" and inserting "Subject to clause (ii), the Secretary"; and

(3) by adding at the end the following new clause:

"(ii) FLOOR ON AREA WAGE ADJUSTMENT FACTOR.—Notwithstanding clause (i), in determining payments under this subsection for discharges occurring on or after October 1, 2002, the Secretary shall substitute a factor of .925 for any factor that would otherwise apply under such clause that is less than .925. Nothing in this clause shall be construed as authorizing—

"(I) the application of the last sentence of clause (i) to any substitution made pursuant to this clause, or

"(II) the application of the preceding sentence of this clause to adjustments for area wage levels made under other payment systems established under this title (other than the payment system under section 1833(t)) to which the factors established under clause (i) apply.".

(b) OUTPATIENT PPS.—Section 1833(t)(2) of the Social Security Act (42 U.S.C. 1395l(t)(2)) is amended by adding at the end the following: "For purposes of subparagraph (D) for items and services furnished on or after October 1, 2002, if the factors established under clause (i) of section 1886(d)(3)(E) are used to adjust for relative differences in labor and labor-related costs under the payment system established under this subsection, the provisions of clause (ii) of such section (relating to a floor on area wage adjustment factor) shall apply to such factors, as used in this subsection, in the same manner and to the same extent (including waiving the applicability of the requirement for such floor to be applied in a budget neutral manner) as they apply to factors under section 1886.".

SA 3655. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 56, line 9, after the word assistance, strike all through the word Gaza on line 12.

SA 3656. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 503 and insert the following: SEC. 503. Section 1 of Public Law 105-204 (112 Stat. 681) is amended—

(1) in subsection (b), by striking "until the date" and all that follows and inserting "until the date that is 30 days after the date on which the Secretary of Energy awards a contract under subsection (c), and no such amounts shall be available for any purpose except to implement the contract."; and

(2) by striking subsection (c) and inserting the following:

"(c) CONTRACTING REQUIREMENTS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law (except section 1341 of title 31, United States Code), the Secretary of Energy shall—

"(A) not later than 10 days after the date of enactment of this paragraph, request offerors whose proposals in response to Request for Proposals No. DE-RP05-010R22717

(‘Acquisition of Facilities and Services for Depleted Uranium Hexafluoride (DUF6) Conversion Project’) were included in the competitive range as of January 15, 2002, to confirm or reinstate the offers in accordance with this paragraph, with a deadline for offerors to deliver reinstatement or confirmation to the Secretary of Energy not later than 20 days after the date of enactment of this paragraph; and

“(B) not later than 30 days after the date of enactment of this paragraph, select for award of a contract the best value of proposals confirmed or reinstated under subparagraph (A), and award a contract for the scope of work stated in the Request for Proposals, including the design, construction, and operation of—

“(i) a facility described in subsection (a) on the site of the gaseous diffusion plant at Paducah, Kentucky; and

“(ii) a facility described in subsection (a) on the site of the gaseous diffusion plant at Portsmouth, Ohio.

“(2) CONTRACT TERMS.—Notwithstanding any other provision of law (except section 1341 of title 31, United States Code) the Secretary of Energy shall negotiate with the awardee to modify the contract awarded under paragraph (1) to—

“(A) require, as a mandatory item, that groundbreaking for construction occur not later than July 31, 2004, and that construction proceed expeditiously thereafter;

“(B) include as an item of performance the transportation, conversion, and disposition of depleted uranium contained in cylinders located at the Oak Ridge K-25 uranium enrichment facility located in the East Tennessee Technology Park at Oak Ridge, Tennessee, consistent with environmental agreements between the State of Tennessee and the Secretary of Energy; and

“(C) specify that the contractor shall not proceed to perform any part of the contract unless sufficient funds have been appropriated, in advance, specifically to pay for that part of the contract.

“(3) CERTIFICATION OF GROUNDBREAKING.—Not later than 5 days after the date of groundbreaking for each facility, the Secretary of Energy shall submit to Congress a certification that groundbreaking has occurred.

“(d) RIGHT OF ACTION FOR FAILURE TO COMPLY.—Any aggrieved person or entity may bring a civil action in United States district court for an injunction compelling the Secretary of Energy to comply with this section.

“(e) FUNDING.—

“(1) IN GENERAL.—For purposes of carrying out this section, the Secretary of Energy may use any available appropriations, or any nonappropriated funds (including the unexpended amounts of funds transferred to the Department of Energy under any memoranda of agreement between the Secretary of Energy and the United States Enrichment Corporation relating to depleted uranium).

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, in addition to any funds made available under paragraph (1), such sums as are necessary to carry out this section.”.

SA 3657. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7 after line 12, insert the following:

SEC. . (a) RESCISSION.—The unobligated balance of authority available under section

2108(a) of Public Law 107-20 is rescinded as of the date of the enactment of this Act.

(b) APPROPRIATION.—There is appropriated to the Secretary of Agriculture an amount equal to the unobligated balance rescinded by subsection (a) for expenses through fiscal year 2003 under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1721-1726a) for commodities supplied in connection with dispositions abroad pursuant to title II of said Act.

SA 3658. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7 after line 12, insert the following:

“SEC. . Section 416(b)(7)(D)(iv) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)(D)(iv)) is amended by striking “subsection.” and inserting in lieu thereof the following: ‘subsection, or to otherwise carry out the purposes of this subsection.’”.

SA 3659. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, line 18, after “*Provided, That*” insert “of the amount available under this paragraph, \$2,200,000 shall be made available for the Army National Guard for information operations, information assurance operations, and training for such operations: *Provided, further, That*”.

SA 3660. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, strike all from line 1 through line 11.

SA 3661. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On pages 86 and 87, strike sections 801 and 802.

SA 3662. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On pages 114 through 116, strike section 1203.

SA 3663. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike from page 20, line 19 through page 21, line 2.

SA 3664. Ms. SNOWE (for herself, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 101, after line 23, add the following:

SEC. 10 . ELIGIBILITY OF CERTAIN PROJECTS AND ACTIVITIES TO RECEIVE FUNDS FOR FISCAL YEAR 2002.

Notwithstanding any other provision of law, projects and activities designated on pages 82 through 92 of House Report No. 107-308 shall be eligible for fiscal year 2002 funds made available for the program for which each project or activity is so designated.

SA 3665. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 806 and inserting in lieu thereof the following new section:

SEC. 806. None of the funds provided by this or any other Act may be used to enforce the amendments made by section 166 of the Community Renewal Tax Relief Act of 2000 on the State of Alaska, including the imposition of any penalties.

SA 3666. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, at the end of line 3, add a new section as follows:

SEC. . In the statement of the managers of the committee of conference accompanying the fiscal year 2001 Labor, Health and Human Services, and Education appropriations bill (Public Law 106-554; House Report 106-1033), the provision specifying \$464,000 for the Bethel Native Corporation worker demonstration project shall be deemed to read as follows: “for the Alaska CHAR vocational training program, \$100,000 and \$364,000 for the Yuut Elitnavriat People’s Learning Center in Bethel, Alaska for vocational training for Alaska Natives”.

SA 3667. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Amend Title II by adding a new section as follows:

SEC. . In subsection (e)(4) of the Alaska Native Claims Settlement Act created by section 702 of P.L. 107-117.

(a) paragraph (B) is amended by—

(1) striking “subsection (e)(2)” and inserting in lieu thereof “subsections (e)(1) of (e)(2)”;

(2) striking “obligations under section 7 of P.L. 87-305” and inserting in lieu thereof “small or small disadvantaged business subcontracting goals under section 502 of P.L. 100-656, provided that where lower tier subcontractors exist, the entity shall designate the appropriate contractor or contractors to receive such credit”;

(b) paragraph (C) is amended by striking "subsection (e)(2)" and inserting "subsection (e)(1) or (e)(2)".

SA 3668. Mr. STEVENS (for himself and Mr. CAMPBELL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, add the following:

SEC. . Of the amount appropriated in Public Law 107-117 under the heading "OPERATION AND MAINTENANCE, ARMY", \$4,000,000 shall be available only for environmental cleanup activities as the Jeep Demolition Area on the Former Lowry Bombing and Gunnery Range, Aurora, Colorado.

SA 3669. Mr. KERRY (for himself and Mr. CLELAND) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 2 of title I, add the following:

SEC. 210. Amounts appropriated by title V of Public Law 107-77 under the heading "NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION" (115 Stat. 795) shall remain available until expended.

SA 3670. Mr. REID (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . HOOVER DAM BYPASS BRIDGE.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall enter into an agreement with the State of Nevada, the State of Arizona, or both, to provide funding for construction of a Hoover Dam bypass bridge under the Federal lands highways program under chapter 2 of title 23, United States Code.

(b) METHODS OF FUNDING.—The agreement entered into under subsection (a) shall provide for funding in accordance with—

(1) title 23, United States Code (including subchapter II of chapter 1 of that title); and
(2) section 350 of the National Highway System Designation Act of 1995 (23 U.S.C. 101 note; 109 Stat. 618).

SA 3671. Mr. REID (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 7, strike "\$10,000,000" and all that follows through the period and insert the following: "\$20,000,000, to be derived from amounts made available for this purpose in Public Law 107-77 and Public Law 107-117: *Provided further*, That of the funds appropriated under this heading, \$10,000,000 shall be made available to accelerate the col-

lection of publicly available personal information on individuals from nations known to harbor or sponsor terrorists."

SA 3672. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In chapter 5 of title I under the heading "DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT", strike "\$40,000,000: *Provided*," and insert "\$67,000,000: *Provided*, that of the amount appropriated by this paragraph \$47,000,000 shall be available for activities at the Savannah River Site, Aiken, South Carolina: *Provided further*,".

SA 3673. Mr. REID (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At an appropriate place, insert the following:

SEC. . (a) Congress makes the following findings:

(1) Electronic personal assistive mobility devices employ energy-efficient advanced technologies to fully and safely integrate users with pedestrian transportation.

(2) The devices enable individuals to travel significant distances and carry significant loads without use of traditional vehicles.

(3) The devices promote gains in efficiency, minimize adverse environmental impacts, and facilitate improved use of the public ways.

(4) Uniform Federal standards for the devices would avoid conflicting State and local requirements and would, thereby, promote the use of the devices in interstate commerce.

(b) The Consumer Product Safety Act (15 U.S.C. 2051 et seq.) is amended by adding at the end the following:

"ELECTRONIC PERSONAL ASSISTIVE MOBILITY DEVICES

"SEC. 38. (a) Notwithstanding any other provision of law, an electronic personal assistive mobility device is a consumer product for the purpose of this Act and is subject to regulation by the Commission.

"(b) For the purposes of this section, the term 'electronic personal assistive mobility device' means a self-balancing, nontandem-wheeled device that—

"(1) is powered solely by an electric motor propulsion system; and

"(2) has a maximum motor-powered speed that does not exceed 20 miles per hour.

(c) Section 30102(6) of title 49, United States Code, is amended by inserting before the period at the end the following: "or an electronic personal assistive mobility device (as defined in section 38 of the Consumer Product Safety Act)".

SA 3674. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7 after line 12, insert the following:

"SEC. . Notwithstanding any other provision of law, the Natural Resources Conserva-

tion Service shall provide financial and technical assistance for projects in the Embarras River Basin, Lake County Watersheds, and DuPage County, Illinois, from funds available for the Watershed and Flood Prevention Operations program: *Provided*, That of funds made available in Public Law 107-76, \$3,750,000 shall be used to carry out this section."

SA 3675. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, between lines 12 and 13, insert the following:

SEC. 2. INCOME LOSS ASSISTANCE.

(a) MANDATORY FUNDING.—The Secretary of Agriculture shall use \$100,000,000 of funds of the Commodity Credit Corporation to make income loss assistance available to producers of labrusca grapes on a farm that have incurred qualifying income losses in calendar years 2001 and 2002.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-55), including using the same loss thresholds for the quantity and economic losses as were used in administering that section.

(c) USE OF FUNDS FOR CASH PAYMENTS.—The Secretary may use funds made available under this section to make, in a manner consistent with this section, cash payments not for crop disasters, but for income loss to carry out the purposes of this section.

SA 3676. Mr. LEAHY (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 67, line 19, strike "established" and insert in lieu thereof "committed to support".

SA 3677. Mr. LEAHY (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 67, line 17, strike "inaugurated" and insert in lieu thereof "elected".

SA 3678. Mr. LEAHY (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 67, line 15, strike "certify" and insert in lieu thereof "report".

SA 3679. Mr. LEAHY (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him

to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, line 12, after "or" insert "United States".

SA 3680. Mr. LEAHY (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, line 6, strike "dedicated" and insert in lieu thereof "committed to support".

SA 3681. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, between lines 12 and 13, insert the following:

SEC. 2. ASSISTANCE FOR LABRUSCA GRAPE PRODUCERS.

(a) IN GENERAL.—The Secretary of Agriculture may use \$100,000,000 of funds of the Commodity Credit Corporation to make payments, as soon as practicable after the date of enactment of this Act, to producers of labrusca grapes for quantity loss, quality loss, and severe economic loss to the 2001 and 2002 crops of labrusca grapes due to damaging weather or related conditions.

(b) PAYMENT QUANTITY.—The payment quantity of labrusca grapes for which the producers on a farm are eligible for payments under this section shall be equal to the average quantity of the 1996 through 2000 crop of labrusca grapes produced by the producers on the farm, as determined by the Secretary.

(c) LIMITATIONS.—The Secretary shall not establish a payment limitation, or gross income eligibility limitation, with respect to payments made under this section.

(d) APPLICABILITY.—This section applies only with respect to the 2001 and 2002 crops of labrusca grapes and producers of those crops.

SA 3682. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, after line 12, insert the following:

"SEC. . Notwithstanding any other provision of law and effective on the date of enactment of this Act, the Secretary may use an amount not to exceed \$12,000,000 from the amounts appropriated under the heading Food Safety and Inspection Service under the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2001 (Public Law 106-387) to liquidate over-obligations and over-expenditures of the Food Safety and Inspection Service incurred during previous fiscal years, approved by the Director of the Office of Management and Budget based on documentation provided by the Secretary of Agriculture."

SA 3683. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . TREATMENT OF CERTAIN COUNTIES FOR PURPOSES OF REIMBURSEMENT UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—Notwithstanding any other provision of law, effective for discharges occurring on or after October 1, 2002, and before October 1, 2005, for purposes of making payments under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)), the large urban area of New York, New York is deemed to include Orange County, New York, Dutchess County, New York, Ulster County, New York, and Sullivan County, New York.

(b) RULES.—The reclassifications made under subsection (a) with respect to a subsection (d) hospital shall be treated as a decision of the Medicare Geographic Classification Review Board under section 1886(d)(10) of the Social Security Act (42 U.S.C. 1395ww(d)(10)).

SA 3684. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

DIVISION—CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2003
SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2003.

(a) DECLARATION.—Congress determines and declares that the concurrent resolution on the budget for fiscal year 2002 is revised and replaced and that this resolution is the concurrent resolution on the budget for fiscal year 2003 including the appropriate budgetary levels for fiscal years 2004 through 2012 as authorized by section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

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

Sec. 1. Concurrent resolution on the budget for fiscal year 2003.

TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.

Sec. 102. Social Security.

Sec. 103. Major functional categories.

TITLE II—BUDGETARY RESTRAINTS, RESERVE FUNDS, AND RULEMAKING

Subtitle A—Budgetary Restraints

Sec. 201. Congressional discretionary spending limits for 2003 through 2007.

Sec. 202. Emergency designation point of order in the Senate.

Sec. 203. Restrictions on advance appropriations in the Senate.

Sec. 204. Pay-as-you-go point of order in the Senate.

Subtitle B—Reserve Funds

Sec. 211. Reserve fund for Medicare.

Sec. 212. Reserve fund for health insurance for the uninsured.

Sec. 213. Reserve fund for Family Opportunity Act.

Sec. 214. Reserve fund for IDEA.

Sec. 215. Reserve fund for highways and highway safety.

Sec. 216. Amtrak reserve.

Subtitle C—Miscellaneous Provisions

Sec. 221. Application and effect of changes in allocations and aggregates.

Sec. 222. Exercise of rulemaking powers.

TITLE III—SENSE OF THE SENATE

Sec. 301. Sense of the Senate regarding estimates of the cost of small business credit programs.

Sec. 302. Sense of the Senate regarding Federal employee pay.

Sec. 303. Sense of the Senate on mental health parity.

Sec. 304. Sense of the Senate on Medicaid Commission.

Sec. 305. Sense of the Senate regarding PILT funding.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 2002 through 2012:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2002: \$1,443,401,000,000.

Fiscal year 2003: \$1,493,902,000,000.

Fiscal year 2004: \$1,596,172,000,000.

Fiscal year 2005: \$1,723,595,000,000.

Fiscal year 2006: \$1,817,735,000,000.

Fiscal year 2007: \$1,907,948,000,000.

Fiscal year 2008: \$2,013,211,000,000.

Fiscal year 2009: \$2,125,874,000,000.

Fiscal year 2010: \$2,234,542,000,000.

Fiscal year 2011: \$2,340,774,000,000.

Fiscal year 2012: \$2,475,687,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2002: \$ - 44,244,000,000.

Fiscal year 2003: \$ - 46,608,000,000.

Fiscal year 2004: \$ - 39,584,000,000.

Fiscal year 2005: \$ - 16,089,000,000.

Fiscal year 2006: \$981,000,000.

Fiscal year 2007: \$ - 14,000,000.

Fiscal year 2008: \$ - 1,670,000,000.

Fiscal year 2009: \$ - 5,042,000,000.

Fiscal year 2010: \$ - 10,466,000,000.

Fiscal year 2011: \$ - 135,470,000,000.

Fiscal year 2012: \$ - 232,766,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2002: \$1,716,775,000,000.

Fiscal year 2003: \$1,804,288,000,000.

Fiscal year 2004: \$1,864,345,000,000.

Fiscal year 2005: \$1,963,648,000,000.

Fiscal year 2006: \$2,051,109,000,000.

Fiscal year 2007: \$2,149,260,000,000.

Fiscal year 2008: \$2,248,037,000,000.

Fiscal year 2009: \$2,351,802,000,000.

Fiscal year 2010: \$2,460,142,000,000.

Fiscal year 2011: \$2,581,295,000,000.

Fiscal year 2012: \$2,679,841,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2002: \$1,664,729,000,000.

Fiscal year 2003: \$1,780,271,000,000.

Fiscal year 2004: \$1,846,159,000,000.

Fiscal year 2005: \$1,937,114,000,000.

Fiscal year 2006: \$2,016,860,000,000.

Fiscal year 2007: \$2,105,868,000,000.

Fiscal year 2008: \$2,211,283,000,000.

Fiscal year 2009: \$2,316,094,000,000.

Fiscal year 2010: \$2,424,942,000,000.

Fiscal year 2011: \$2,552,267,000,000.

Fiscal year 2012: \$2,643,085,000,000.

(4) SURPLUSES.—For purposes of the enforcement of this resolution, the amounts of the surpluses are as follows:

Fiscal year 2002: \$ - 221,328,000,000.

Fiscal year 2003: \$ - 286,369,000,000.

Fiscal year 2004: \$ - 249,987,000,000.

Fiscal year 2005: \$-213,519,000,000.
 Fiscal year 2006: \$-199,125,000,000.
 Fiscal year 2007: \$-197,920,000,000.
 Fiscal year 2008: \$-198,072,000,000.
 Fiscal year 2009: \$-190,220,000,000.
 Fiscal year 2010: \$-190,400,000,000.
 Fiscal year 2011: \$-211,493,000,000.
 Fiscal year 2012: \$-167,398,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2002: \$6,054,062,000,000.
 Fiscal year 2003: \$6,451,622,000,000.
 Fiscal year 2004: \$6,853,330,000,000.
 Fiscal year 2005: \$7,238,975,000,000.
 Fiscal year 2006: \$7,616,271,000,000.
 Fiscal year 2007: \$7,998,005,000,000.
 Fiscal year 2008: \$8,384,734,000,000.
 Fiscal year 2009: \$8,771,425,000,000.
 Fiscal year 2010: \$9,166,305,000,000.
 Fiscal year 2011: \$9,589,629,000,000.
 Fiscal year 2012: \$9,980,661,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of the debt held by the public are as follows:

Fiscal year 2002: \$3,423,900,000,000.
 Fiscal year 2003: \$3,553,200,000,000.
 Fiscal year 2004: \$3,634,600,000,000.
 Fiscal year 2005: \$3,668,700,000,000.
 Fiscal year 2006: \$3,675,900,000,000.
 Fiscal year 2007: \$3,667,900,000,000.
 Fiscal year 2008: \$3,645,800,000,000.
 Fiscal year 2009: \$3,601,800,000,000.
 Fiscal year 2010: \$3,542,900,000,000.
 Fiscal year 2011: \$3,489,100,000,000.
 Fiscal year 2012: \$3,378,500,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2002: \$518,249,000,000.
 Fiscal year 2003: \$545,386,000,000.
 Fiscal year 2004: \$573,537,000,000.
 Fiscal year 2005: \$602,159,000,000.
 Fiscal year 2006: \$630,920,000,000.
 Fiscal year 2007: \$660,899,000,000.
 Fiscal year 2008: \$692,320,000,000.
 Fiscal year 2009: \$726,627,000,000.
 Fiscal year 2010: \$764,167,000,000.
 Fiscal year 2011: \$802,485,000,000.
 Fiscal year 2012: \$842,255,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2002: \$354,349,000,000.
 Fiscal year 2003: \$365,168,000,000.
 Fiscal year 2004: \$375,478,000,000.
 Fiscal year 2005: \$388,064,000,000.
 Fiscal year 2006: \$401,450,000,000.
 Fiscal year 2007: \$416,186,000,000.
 Fiscal year 2008: \$431,988,000,000.
 Fiscal year 2009: \$451,149,000,000.
 Fiscal year 2010: \$472,439,000,000.
 Fiscal year 2011: \$494,177,000,000.
 Fiscal year 2012: \$519,806,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 2002 through 2012 for each major functional category are:

(1) National Defense (050):

Fiscal year 2002:
 (A) New budget authority, \$361,485,000,000.
 (B) Outlays, \$353,311,000,000.
 Fiscal year 2003:
 (A) New budget authority, \$392,837,000,000.
 (B) Outlays, \$385,411,000,000.
 Fiscal year 2004:

(A) New budget authority, \$394,842,000,000.
 (B) Outlays, \$389,058,000,000.

Fiscal year 2005:

(A) New budget authority, \$415,433,000,000.
 (B) Outlays, \$406,429,000,000.

Fiscal year 2006:

(A) New budget authority, \$436,142,000,000.
 (B) Outlays, \$420,340,000,000.

Fiscal year 2007:

(A) New budget authority, \$457,643,000,000.
 (B) Outlays, \$433,623,000,000.

Fiscal year 2008:

(A) New budget authority, \$469,700,000,000.
 (B) Outlays, \$454,915,000,000.

Fiscal year 2009:

(A) New budget authority, \$482,034,000,000.
 (B) Outlays, \$469,738,000,000.

Fiscal year 2010:

(A) New budget authority, \$494,731,000,000.
 (B) Outlays, \$484,172,000,000.

Fiscal year 2011:

(A) New budget authority, \$507,736,000,000.
 (B) Outlays, \$502,155,000,000.

Fiscal year 2012:

(A) New budget authority, \$521,046,000,000.
 (B) Outlays, \$508,203,000,000.

(2) International Affairs (150):

Fiscal year 2002:

(A) New budget authority, \$25,130,000,000.
 (B) Outlays, \$22,219,000,000.

Fiscal year 2003:

(A) New budget authority, \$25,142,000,000.
 (B) Outlays, \$22,054,000,000.

Fiscal year 2004:

(A) New budget authority, \$26,019,000,000.
 (B) Outlays, \$22,425,000,000.

Fiscal year 2005:

(A) New budget authority, \$26,830,000,000.
 (B) Outlays, \$22,536,000,000.

Fiscal year 2006:

(A) New budget authority, \$27,453,000,000.
 (B) Outlays, \$22,807,000,000.

Fiscal year 2007:

(A) New budget authority, \$28,187,000,000.
 (B) Outlays, \$23,743,000,000.

Fiscal year 2008:

(A) New budget authority, \$28,891,000,000.
 (B) Outlays, \$24,346,000,000.

Fiscal year 2009:

(A) New budget authority, \$29,517,000,000.
 (B) Outlays, \$25,029,000,000.

Fiscal year 2010:

(A) New budget authority, \$30,505,000,000.
 (B) Outlays, \$25,678,000,000.

Fiscal year 2011:

(A) New budget authority, \$31,254,000,000.
 (B) Outlays, \$26,275,000,000.

Fiscal year 2012:

(A) New budget authority, \$31,764,000,000.
 (B) Outlays, \$26,902,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2002:

(A) New budget authority, \$22,087,000,000.
 (B) Outlays, \$20,984,000,000.

Fiscal year 2003:

(A) New budget authority, \$22,749,000,000.
 (B) Outlays, \$21,837,000,000.

Fiscal year 2004:

(A) New budget authority, \$23,397,000,000.
 (B) Outlays, \$22,640,000,000.

Fiscal year 2005:

(A) New budget authority, \$23,915,000,000.
 (B) Outlays, \$23,316,000,000.

Fiscal year 2006:

(A) New budget authority, \$24,473,000,000.
 (B) Outlays, \$23,834,000,000.

Fiscal year 2007:

(A) New budget authority, \$25,052,000,000.
 (B) Outlays, \$24,404,000,000.

Fiscal year 2008:

(A) New budget authority, \$25,646,000,000.
 (B) Outlays, \$24,981,000,000.

Fiscal year 2009:

(A) New budget authority, \$26,252,000,000.
 (B) Outlays, \$25,571,000,000.

Fiscal year 2010:

(A) New budget authority, \$26,876,000,000.

(B) Outlays, \$26,176,000,000.

Fiscal year 2011:

(A) New budget authority, \$27,515,000,000.
 (B) Outlays, \$26,799,000,000.

Fiscal year 2012:

(A) New budget authority, \$28,046,000,000.
 (B) Outlays, \$27,437,000,000.

(4) Energy (270):

Fiscal year 2002:

(A) New budget authority, \$2,342,000,000.
 (B) Outlays, \$433,000,000.

Fiscal year 2003:

(A) New budget authority, \$2,745,000,000.
 (B) Outlays, \$931,000,000.

Fiscal year 2004:

(A) New budget authority, \$2,900,000,000.
 (B) Outlays, \$1,133,000,000.

Fiscal year 2005:

(A) New budget authority, \$2,743,000,000.
 (B) Outlays, \$1,075,000,000.

Fiscal year 2006:

(A) New budget authority, \$2,291,000,000.
 (B) Outlays, \$949,000,000.

Fiscal year 2007:

(A) New budget authority, \$2,145,000,000.
 (B) Outlays, \$885,000,000.

Fiscal year 2008:

(A) New budget authority, \$2,687,000,000.
 (B) Outlays, \$1,175,000,000.

Fiscal year 2009:

(A) New budget authority, \$2,766,000,000.
 (B) Outlays, \$1,248,000,000.

Fiscal year 2010:

(A) New budget authority, \$2,848,000,000.
 (B) Outlays, \$1,517,000,000.

Fiscal year 2011:

(A) New budget authority, \$2,929,000,000.
 (B) Outlays, \$1,640,000,000.

Fiscal year 2012:

(A) New budget authority, \$2,956,000,000.
 (B) Outlays, \$1,811,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2002:

(A) New budget authority, \$30,855,000,000.
 (B) Outlays, \$29,073,000,000.

Fiscal year 2003:

(A) New budget authority, \$31,999,000,000.
 (B) Outlays, \$30,456,000,000.

Fiscal year 2004:

(A) New budget authority, \$32,768,000,000.
 (B) Outlays, \$31,470,000,000.

Fiscal year 2005:

(A) New budget authority, \$33,635,000,000.
 (B) Outlays, \$32,381,000,000.

Fiscal year 2006:

(A) New budget authority, \$33,262,000,000.
 (B) Outlays, \$33,570,000,000.

Fiscal year 2007:

(A) New budget authority, \$32,397,000,000.
 (B) Outlays, \$33,712,000,000.

Fiscal year 2008:

(A) New budget authority, \$33,282,000,000.
 (B) Outlays, \$33,854,000,000.

Fiscal year 2009:

(A) New budget authority, \$34,686,000,000.
 (B) Outlays, \$34,522,000,000.

Fiscal year 2010:

(A) New budget authority, \$35,822,000,000.
 (B) Outlays, \$35,340,000,000.

Fiscal year 2011:

(A) New budget authority, \$36,846,000,000.
 (B) Outlays, \$36,322,000,000.

Fiscal year 2012:

(A) New budget authority, \$37,771,000,000.
 (B) Outlays, \$37,206,000,000.

(6) Agriculture (350):

Fiscal year 2002:

(A) New budget authority, \$33,229,000,000.
 (B) Outlays, \$31,459,000,000.

Fiscal year 2003:

(A) New budget authority, \$29,328,000,000.
 (B) Outlays, \$28,305,000,000.

Fiscal year 2004:

(A) New budget authority, \$23,749,000,000.
 (B) Outlays, \$22,161,000,000.

Fiscal year 2005:

(A) New budget authority, \$24,655,000,000.

(B) Outlays, \$23,326,000,000.
Fiscal year 2006:
(A) New budget authority, \$21,816,000,000.
(B) Outlays, \$20,563,000,000.
Fiscal year 2007:
(A) New budget authority, \$21,567,000,000.
(B) Outlays, \$20,501,000,000.
Fiscal year 2008:
(A) New budget authority, \$20,064,000,000.
(B) Outlays, \$18,956,000,000.
Fiscal year 2009:
(A) New budget authority, \$19,022,000,000.
(B) Outlays, \$17,933,000,000.
Fiscal year 2010:
(A) New budget authority, \$18,642,000,000.
(B) Outlays, \$17,631,000,000.
Fiscal year 2011:
(A) New budget authority, \$18,530,000,000.
(B) Outlays, \$17,520,000,000.
Fiscal year 2012:
(A) New budget authority, \$18,518,000,000.
(B) Outlays, \$17,511,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2002:
(A) New budget authority, \$3,193,000,000.
(B) Outlays, \$649,000,000.
Fiscal year 2003:
(A) New budget authority, \$5,831,000,000.
(B) Outlays, \$1,523,000,000.
Fiscal year 2004:
(A) New budget authority, \$5,715,000,000.
(B) Outlays, \$1,117,000,000.
Fiscal year 2005:
(A) New budget authority, \$6,858,000,000.
(B) Outlays, \$2,685,000,000.
Fiscal year 2006:
(A) New budget authority, \$6,415,000,000.
(B) Outlays, \$2,148,000,000.
Fiscal year 2007:
(A) New budget authority, \$7,552,000,000.
(B) Outlays, \$3,257,000,000.
Fiscal year 2008:
(A) New budget authority, \$7,982,000,000.
(B) Outlays, \$3,430,000,000.
Fiscal year 2009:
(A) New budget authority, \$8,858,000,000.
(B) Outlays, \$4,053,000,000.
Fiscal year 2010:
(A) New budget authority, \$13,126,000,000.
(B) Outlays, \$7,536,000,000.
Fiscal year 2011:
(A) New budget authority, \$7,912,000,000.
(B) Outlays, \$4,631,000,000.
Fiscal year 2012:
(A) New budget authority, \$7,862,000,000.
(B) Outlays, \$4,161,000,000.
(8) Transportation (400):
Fiscal year 2002:
(A) New budget authority, \$71,101,000,000.
(B) Outlays, \$64,872,000,000.
Fiscal year 2003:
(A) New budget authority, \$64,633,000,000.
(B) Outlays, \$66,500,000,000.
Fiscal year 2004:
(A) New budget authority, \$59,765,000,000.
(B) Outlays, \$64,122,000,000.
Fiscal year 2005:
(A) New budget authority, \$65,881,000,000.
(B) Outlays, \$64,057,000,000.
Fiscal year 2006:
(A) New budget authority, \$67,093,000,000.
(B) Outlays, \$65,247,000,000.
Fiscal year 2007:
(A) New budget authority, \$68,351,000,000.
(B) Outlays, \$66,304,000,000.
Fiscal year 2008:
(A) New budget authority, \$69,775,000,000.
(B) Outlays, \$67,494,000,000.
Fiscal year 2009:
(A) New budget authority, \$71,214,000,000.
(B) Outlays, \$68,599,000,000.
Fiscal year 2010:
(A) New budget authority, \$72,686,000,000.
(B) Outlays, \$70,132,000,000.
Fiscal year 2011:
(A) New budget authority, \$74,193,000,000.
(B) Outlays, \$71,761,000,000.
Fiscal year 2012:
(A) New budget authority, \$75,732,000,000.
(B) Outlays, \$73,332,000,000.
(9) Community and Regional Development (450):
Fiscal year 2002:
(A) New budget authority, \$23,465,000,000.
(B) Outlays, \$14,672,000,000.
Fiscal year 2003:
(A) New budget authority, \$15,505,000,000.
(B) Outlays, \$16,763,000,000.
Fiscal year 2004:
(A) New budget authority, \$15,759,000,000.
(B) Outlays, \$18,089,000,000.
Fiscal year 2005:
(A) New budget authority, \$16,024,000,000.
(B) Outlays, \$17,798,000,000.
Fiscal year 2006:
(A) New budget authority, \$16,387,000,000.
(B) Outlays, \$16,707,000,000.
Fiscal year 2007:
(A) New budget authority, \$16,662,000,000.
(B) Outlays, \$16,315,000,000.
Fiscal year 2008:
(A) New budget authority, \$17,060,000,000.
(B) Outlays, \$15,713,000,000.
Fiscal year 2009:
(A) New budget authority, \$17,456,000,000.
(B) Outlays, \$15,946,000,000.
Fiscal year 2010:
(A) New budget authority, \$17,860,000,000.
(B) Outlays, \$16,261,000,000.
Fiscal year 2011:
(A) New budget authority, \$18,266,000,000.
(B) Outlays, \$16,626,000,000.
Fiscal year 2012:
(A) New budget authority, \$18,691,000,000.
(B) Outlays, \$17,028,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2002:
(A) New budget authority, \$78,945,000,000.
(B) Outlays, \$68,943,000,000.
Fiscal year 2003:
(A) New budget authority, \$83,037,000,000.
(B) Outlays, \$79,393,000,000.
Fiscal year 2004:
(A) New budget authority, \$84,933,000,000.
(B) Outlays, \$83,402,000,000.
Fiscal year 2005:
(A) New budget authority, \$86,928,000,000.
(B) Outlays, \$85,243,000,000.
Fiscal year 2006:
(A) New budget authority, \$89,145,000,000.
(B) Outlays, \$86,814,000,000.
Fiscal year 2007:
(A) New budget authority, \$91,375,000,000.
(B) Outlays, \$88,888,000,000.
Fiscal year 2008:
(A) New budget authority, \$93,533,000,000.
(B) Outlays, \$90,991,000,000.
Fiscal year 2009:
(A) New budget authority, \$95,710,000,000.
(B) Outlays, \$93,103,000,000.
Fiscal year 2010:
(A) New budget authority, \$97,633,000,000.
(B) Outlays, \$94,974,000,000.
Fiscal year 2011:
(A) New budget authority, \$99,877,000,000.
(B) Outlays, \$97,148,000,000.
Fiscal year 2012:
(A) New budget authority, \$102,168,000,000.
(B) Outlays, \$99,366,000,000.
(11) Health (550):
Fiscal year 2002:
(A) New budget authority, \$201,167,000,000.
(B) Outlays, \$195,140,000,000.
Fiscal year 2003:
(A) New budget authority, \$228,656,000,000.
(B) Outlays, \$224,779,000,000.
Fiscal year 2004:
(A) New budget authority, \$261,286,000,000.
(B) Outlays, \$257,807,000,000.
Fiscal year 2005:
(A) New budget authority, \$277,999,000,000.
(B) Outlays, \$277,377,000,000.
Fiscal year 2006:
(A) New budget authority, \$286,397,000,000.
(B) Outlays, \$285,580,000,000.
Fiscal year 2007:
(A) New budget authority, \$307,461,000,000.
(B) Outlays, \$305,655,000,000.
Fiscal year 2008:
(A) New budget authority, \$329,055,000,000.
(B) Outlays, \$327,394,000,000.
Fiscal year 2009:
(A) New budget authority, \$352,116,000,000.
(B) Outlays, \$350,854,000,000.
Fiscal year 2010:
(A) New budget authority, \$378,044,000,000.
(B) Outlays, \$376,597,000,000.
Fiscal year 2011:
(A) New budget authority, \$405,934,000,000.
(B) Outlays, \$404,207,000,000.
Fiscal year 2012:
(A) New budget authority, \$436,075,000,000.
(B) Outlays, \$434,458,000,000.
(12) Medicare (570):
Fiscal year 2002:
(A) New budget authority, \$227,232,000,000.
(B) Outlays, \$227,324,000,000.
Fiscal year 2003:
(A) New budget authority, \$237,998,000,000.
(B) Outlays, \$237,850,000,000.
Fiscal year 2004:
(A) New budget authority, \$251,634,000,000.
(B) Outlays, \$251,914,000,000.
Fiscal year 2005:
(A) New budget authority, \$275,333,000,000.
(B) Outlays, \$275,247,000,000.
Fiscal year 2006:
(A) New budget authority, \$302,373,000,000.
(B) Outlays, \$302,138,000,000.
Fiscal year 2007:
(A) New budget authority, \$332,059,000,000.
(B) Outlays, \$332,317,000,000.
Fiscal year 2008:
(A) New budget authority, \$362,401,000,000.
(B) Outlays, \$362,265,000,000.
Fiscal year 2009:
(A) New budget authority, \$398,190,000,000.
(B) Outlays, \$397,937,000,000.
Fiscal year 2010:
(A) New budget authority, \$431,065,000,000.
(B) Outlays, \$431,334,000,000.
Fiscal year 2011:
(A) New budget authority, \$471,863,000,000.
(B) Outlays, \$471,702,000,000.
Fiscal year 2012:
(A) New budget authority, \$505,297,000,000.
(B) Outlays, \$505,027,000,000.
(13) Income Security (600):
Fiscal year 2002:
(A) New budget authority, \$311,571,000,000.
(B) Outlays, \$313,803,000,000.
Fiscal year 2003:
(A) New budget authority, \$321,185,000,000.
(B) Outlays, \$323,553,000,000.
Fiscal year 2004:
(A) New budget authority, \$318,332,000,000.
(B) Outlays, \$318,641,000,000.
Fiscal year 2005:
(A) New budget authority, \$324,955,000,000.
(B) Outlays, \$325,756,000,000.
Fiscal year 2006:
(A) New budget authority, \$336,427,000,000.
(B) Outlays, \$335,427,000,000.
Fiscal year 2007:
(A) New budget authority, \$344,237,000,000.
(B) Outlays, \$342,693,000,000.
Fiscal year 2008:
(A) New budget authority, \$357,742,000,000.
(B) Outlays, \$356,174,000,000.
Fiscal year 2009:
(A) New budget authority, \$369,345,000,000.
(B) Outlays, \$367,799,000,000.
Fiscal year 2010:
(A) New budget authority, \$382,103,000,000.
(B) Outlays, \$380,349,000,000.
Fiscal year 2011:
(A) New budget authority, \$399,930,000,000.
(B) Outlays, \$397,965,000,000.
Fiscal year 2012:
(A) New budget authority, \$402,117,000,000.
(B) Outlays, \$399,887,000,000.
(14) Social Security (650):
Fiscal year 2002:

(A) New budget authority, \$12,938,000,000.
 (B) Outlays, \$12,937,000,000.
 Fiscal year 2003:
 (A) New budget authority, \$13,429,000,000.
 (B) Outlays, \$13,429,000,000.
 Fiscal year 2004:
 (A) New budget authority, \$14,404,000,000.
 (B) Outlays, \$14,404,000,000.
 Fiscal year 2005:
 (A) New budget authority, \$15,317,000,000.
 (B) Outlays, \$15,317,000,000.
 Fiscal year 2006:
 (A) New budget authority, \$16,223,000,000.
 (B) Outlays, \$16,223,000,000.
 Fiscal year 2007:
 (A) New budget authority, \$17,398,000,000.
 (B) Outlays, \$17,398,000,000.
 Fiscal year 2008:
 (A) New budget authority, \$18,779,000,000.
 (B) Outlays, \$18,779,000,000.
 Fiscal year 2009:
 (A) New budget authority, \$20,465,000,000.
 (B) Outlays, \$20,465,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$22,404,000,000.
 (B) Outlays, \$22,404,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$25,620,000,000.
 (B) Outlays, \$25,620,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$28,107,000,000.
 (B) Outlays, \$28,107,000,000.
 (15) Veterans Benefits and Services (700):
 Fiscal year 2002:
 (A) New budget authority, \$50,639,000,000.
 (B) Outlays, \$50,038,000,000.
 Fiscal year 2003:
 (A) New budget authority, \$56,395,000,000.
 (B) Outlays, \$55,838,000,000.
 Fiscal year 2004:
 (A) New budget authority, \$58,518,000,000.
 (B) Outlays, \$58,138,000,000.
 Fiscal year 2005:
 (A) New budget authority, \$62,696,000,000.
 (B) Outlays, \$62,367,000,000.
 Fiscal year 2006:
 (A) New budget authority, \$62,335,000,000.
 (B) Outlays, \$61,982,000,000.
 Fiscal year 2007:
 (A) New budget authority, \$61,837,000,000.
 (B) Outlays, \$61,394,000,000.
 Fiscal year 2008:
 (A) New budget authority, \$65,814,000,000.
 (B) Outlays, \$65,592,000,000.
 Fiscal year 2009:
 (A) New budget authority, \$67,631,000,000.
 (B) Outlays, \$67,330,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$69,534,000,000.
 (B) Outlays, \$69,208,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$74,041,000,000.
 (B) Outlays, \$73,738,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$71,865,000,000.
 (B) Outlays, \$71,461,000,000.
 (16) Administration of Justice (750):
 Fiscal year 2002:
 (A) New budget authority, \$36,227,000,000.
 (B) Outlays, \$34,334,000,000.
 Fiscal year 2003:
 (A) New budget authority, \$40,089,000,000.
 (B) Outlays, \$39,127,000,000.
 Fiscal year 2004:
 (A) New budget authority, \$40,878,000,000.
 (B) Outlays, \$41,423,000,000.
 Fiscal year 2005:
 (A) New budget authority, \$39,623,000,000.
 (B) Outlays, \$39,772,000,000.
 Fiscal year 2006:
 (A) New budget authority, \$40,559,000,000.
 (B) Outlays, \$40,299,000,000.
 Fiscal year 2007:
 (A) New budget authority, \$41,536,000,000.
 (B) Outlays, \$41,110,000,000.
 Fiscal year 2008:
 (A) New budget authority, \$42,532,000,000.
 (B) Outlays, \$42,095,000,000.

Fiscal year 2009:
 (A) New budget authority, \$43,566,000,000.
 (B) Outlays, \$43,088,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$44,622,000,000.
 (B) Outlays, \$44,128,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$45,698,000,000.
 (B) Outlays, \$45,200,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$46,797,000,000.
 (B) Outlays, \$46,289,000,000.
 (17) General Government (800):
 Fiscal year 2002:
 (A) New budget authority, \$17,284,000,000.
 (B) Outlays, \$16,648,000,000.
 Fiscal year 2003:
 (A) New budget authority, \$17,234,000,000.
 (B) Outlays, \$17,015,000,000.
 Fiscal year 2004:
 (A) New budget authority, \$17,324,000,000.
 (B) Outlays, \$17,434,000,000.
 Fiscal year 2005:
 (A) New budget authority, \$17,730,000,000.
 (B) Outlays, \$17,591,000,000.
 Fiscal year 2006:
 (A) New budget authority, \$18,178,000,000.
 (B) Outlays, \$17,935,000,000.
 Fiscal year 2007:
 (A) New budget authority, \$18,641,000,000.
 (B) Outlays, \$18,296,000,000.
 Fiscal year 2008:
 (A) New budget authority, \$18,688,000,000.
 (B) Outlays, \$18,432,000,000.
 Fiscal year 2009:
 (A) New budget authority, \$19,191,000,000.
 (B) Outlays, \$18,726,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$19,713,000,000.
 (B) Outlays, \$19,208,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$20,253,000,000.
 (B) Outlays, \$19,729,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$20,812,000,000.
 (B) Outlays, \$20,406,000,000.
 (18) Net Interest (900):
 Fiscal year 2002:
 (A) New budget authority, \$245,415,000,000.
 (B) Outlays, \$245,415,000,000.
 Fiscal year 2003:
 (A) New budget authority, \$259,963,000,000.
 (B) Outlays, \$259,963,000,000.
 Fiscal year 2004:
 (A) New budget authority, \$288,978,000,000.
 (B) Outlays, \$288,978,000,000.
 Fiscal year 2005:
 (A) New budget authority, \$306,107,000,000.
 (B) Outlays, \$306,107,000,000.
 Fiscal year 2006:
 (A) New budget authority, \$318,427,000,000.
 (B) Outlays, \$318,427,000,000.
 Fiscal year 2007:
 (A) New budget authority, \$330,005,000,000.
 (B) Outlays, \$330,005,000,000.
 Fiscal year 2008:
 (A) New budget authority, \$341,412,000,000.
 (B) Outlays, \$341,412,000,000.
 Fiscal year 2009:
 (A) New budget authority, \$352,613,000,000.
 (B) Outlays, \$352,613,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$363,095,000,000.
 (B) Outlays, \$363,095,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$376,391,000,000.
 (B) Outlays, \$376,391,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$390,086,000,000.
 (B) Outlays, \$390,086,000,000.
 (19) Allowances (920):
 Fiscal year 2002:
 (A) New budget authority, \$0.
 (B) Outlays, \$5,000,000.
 Fiscal year 2003:
 (A) New budget authority, \$0.
 (B) Outlays, \$10,000,000.
 Fiscal year 2004:

(A) New budget authority, \$1,350,000,000.
 (B) Outlays, \$8,000,000.
 Fiscal year 2005:
 (A) New budget authority, \$1,350,000,000.
 (B) Outlays, \$98,000,000.
 Fiscal year 2006:
 (A) New budget authority, \$50,000,000.
 (B) Outlays, \$205,000,000.
 Fiscal year 2007:
 (A) New budget authority, \$50,000,000.
 (B) Outlays, \$265,000,000.
 Fiscal year 2008:
 (A) New budget authority, \$50,000,000.
 (B) Outlays, \$340,000,000.
 Fiscal year 2009:
 (A) New budget authority, \$0.
 (B) Outlays, \$370,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$0.
 (B) Outlays, \$370,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$0.
 (B) Outlays, \$330,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$0.
 (B) Outlays, \$275,000,000.
 (20) Undistributed Offsetting Receipts (950):
 Fiscal year 2002:
 (A) New budget authority, \$-37,530,000,000.
 (B) Outlays, \$-37,530,000,000.
 Fiscal year 2003:
 (A) New budget authority, \$-44,467,000,000.
 (B) Outlays, \$-44,467,000,000.
 Fiscal year 2004:
 (A) New budget authority, \$-58,205,000,000.
 (B) Outlays, \$-58,205,000,000.
 Fiscal year 2005:
 (A) New budget authority, \$-61,364,000,000.
 (B) Outlays, \$-61,364,000,000.
 Fiscal year 2006:
 (A) New budget authority, \$-54,337,000,000.
 (B) Outlays, \$-54,337,000,000.
 Fiscal year 2007:
 (A) New budget authority, \$-54,895,000,000.
 (B) Outlays, \$-54,895,000,000.
 Fiscal year 2008:
 (A) New budget authority, \$-57,056,000,000.
 (B) Outlays, \$-57,056,000,000.
 Fiscal year 2009:
 (A) New budget authority, \$-58,831,000,000.
 (B) Outlays, \$-58,831,000,000.
 Fiscal year 2010:
 (A) New budget authority, \$-61,167,000,000.
 (B) Outlays, \$-61,167,000,000.
 Fiscal year 2011:
 (A) New budget authority, \$-63,493,000,000.
 (B) Outlays, \$-63,493,000,000.
 Fiscal year 2012:
 (A) New budget authority, \$-65,869,000,000.
 (B) Outlays, \$-65,869,000,000.

TITLE II—BUDGETARY RESTRAINTS, RESERVE FUNDS, AND RULEMAKING

Subtitle A—Budgetary Restraints

SEC. 201. CONGRESSIONAL DISCRETIONARY SPENDING LIMITS FOR 2003 THROUGH 2007.

(a) DEFINITION.—In this section, for purposes of enforcement in the House of Representatives and the Senate, the term “discretionary spending limit” means—

- (1) for fiscal year 2003—
 - (A) for the nondefense category, \$375,262,000,000 in new budget authority and \$372,224,000,000 in outlays;
 - (B) for the defense category, \$392,757,000,000 in new budget authority and \$380,228,000,000 in outlays;
 - (C) for the highway category, \$28,922,000,000 in outlays;
 - (D) for the mass transit category, \$6,030,000,000 in outlays; and
 - (E) for the conservation category, \$1,922,000,000 in new budget authority and \$1,872,000,000 in outlays;
- (2) for fiscal year 2004—
 - (A) for the nondefense category, \$387,110,000,000 in new budget authority and \$425,296,000,000 in outlays; and

(B) for the defense category \$394,916,000,000 in new budget authority and \$390,236,000,000 in outlays;

(3) for fiscal year 2005—

(A) for the nondefense category, \$394,989,000,000 in new budget authority and \$432,168,000,000 in outlays; and

(B) for the defense category \$415,556,000,000 in new budget authority and \$406,855,000,000 in outlays;

(4) for fiscal year 2006—

(A) for the nondefense category, \$402,873,000,000 in new budget authority and \$439,161,000,000 in outlays; and

(B) for the defense category \$436,202,000,000 in new budget authority and \$420,599,000,000 in outlays; and

(5) for fiscal year 2007—

(A) for the nondefense category, \$413,763,000,000 in new budget authority and \$449,430,000,000 in outlays; and

(B) for the defense category \$457,708,000,000 in new budget authority and \$433,847,000,000 in outlays.

(b) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the House of Representatives and the Senate to consider any bill, joint resolution, amendment, motion, or conference report that exceeds any discretionary spending limit set forth in this section.

(2) EXCEPTION.—This subsection shall not apply if a declaration of war by Congress is in effect.

(c) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 202. EMERGENCY DESIGNATION POINT OF ORDER IN THE SENATE.

(a) DESIGNATIONS.—

(1) GUIDANCE.—In making a designation of a provision of legislation as an emergency requirement under section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the committee report and any statement of managers accompanying that legislation shall analyze whether a proposed emergency requirement meets all the criteria in paragraph (2).

(2) CRITERIA.—

(A) IN GENERAL.—The criteria to be considered in determining whether a proposed expenditure or tax change is an emergency requirement are—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(3) JUSTIFICATION FOR FAILURE TO MEET CRITERIA.—If the proposed emergency requirement does not meet all the criteria set forth in paragraph (2), the committee report or the statement of managers, as the case may be, shall provide a written justification of why the requirement should be accorded emergency status.

(b) POINT OF ORDER.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, a point of order may be made by a Senator against an emergency designation in that measure and if the Presiding Officer sustains that point of order, that provision making such a designa-

tion shall be stricken from the measure and may not be offered as an amendment from the floor.

(c) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DEFINITION OF AN EMERGENCY REQUIREMENT.—A provision shall be considered an emergency designation if it designates any item an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) FORM OF THE POINT OF ORDER.—A point of order under this section may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(f) CONFERENCE REPORTS.—If a point of order is sustained under this section against a conference report, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

SEC. 203. RESTRICTIONS ON ADVANCE APPROPRIATIONS IN THE SENATE.

(a) IN GENERAL.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any reported bill or joint resolution, or amendment thereto or conference report thereon, that would provide an advance appropriation.

(b) EXCEPTION.—An advance appropriation may be provided—

(1) for fiscal year 2004 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed \$23,159,000,000 in new budget authority; and

(2) for the Corporation for Public Broadcasting.

(c) APPLICATION OF POINT OF ORDER IN THE SENATE.—

(1) WAIVER AND APPEAL.—In the Senate, subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(2) FORM OF THE POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(3) CONFERENCE REPORTS.—If a point of order is sustained under subsection (a) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(d) DEFINITION.—In this section, the term "advance appropriation" means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2002 that first becomes available for any fiscal year after 2002.

(e) SENSE OF CONGRESS.—It is the sense of Congress that the Budget Enforcement Act of 1990 should be amended to address procedures for advance appropriations for fiscal years beginning with fiscal year 2004.

(f) PROHIBITION ON DIVERTING CRIME VICTIMS FUND.—

(1) PURPOSE.—The purpose of this section is to ensure that amounts deposited in the Crime Victims Fund are distributed in a timely manner to assist victims of crime as intended by current law and are not diverted

to offset increased spending when such offset devices produce no permanent budgetary or economic effects.

(2) BUDGETARY RULE.—In the Senate, for purposes of points of order under this resolution and the Congressional Budget Act of 1974, provisions contained in any bill, resolution, amendment, motion, or conference report that perpetuate or resemble section 619 of Public Law 107-77 shall not be scored with respect to the level of budget authority, outlays, or revenues contained in such legislation.

SEC. 204. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) PURPOSE.—The Senate declares that it is essential to continue the pay-as-you-go enforcement system.

(b) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the three applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection the term "applicable time period" means any one of the three following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first five fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the five fiscal years following the first five fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term "direct-spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms "direct-spending legislation" and "revenue legislation" do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, then it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A).

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1

hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) **DETERMINATION OF BUDGET LEVELS.**—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(f) **SUNSET.**—Subsections (a) through (e) of this section shall expire September 30, 2007.

SEC. 205. EXTENSION OF SUPERMAJORITY DISCIPLINE IN THE SENATE.

Notwithstanding any provision of the Congressional Budget Act of 1974, sections 904(c)(2) and 904(d)(3) of the Congressional Budget Act of 1974 shall remain in effect as rules of the Senate through September 30, 2007.

Subtitle B—Reserve Funds

SEC. 211. RESERVE FUND FOR MEDICARE.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment is offered thereto, or a conference report thereon is submitted, which reforms the Medicare Program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and improves the access of beneficiaries under that program to prescription drugs, and that repeals the 15 percent reduction in payments under the Medicare Program to home health agencies enacted by the Balanced Budget Act of 1997 and now scheduled to go into effect on October 1, 2002, the chairman of the Committee on the Budget, in consultation with the ranking member, may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed \$0 for fiscal year 2003, and \$349,682,000,000 for the period of fiscal years 2003 through 2012, of which \$16,182,000,000 shall be made available only with respect to the repeal of the 15 percent reduction to home health agencies.

SEC. 212. RESERVE FUND FOR HEALTH INSURANCE FOR THE UNINSURED.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment thereto is offered, or a conference report thereon is submitted, that provides health insurance for the uninsured (including a measure providing for tax deductions for the purchase of health insurance for, among others, moderate income individuals not receiving health insurance from their employers), the chairman of the Committee on the Budget, in consultation with the ranking member, may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) and may revise the revenue aggregates and other appropriate budgetary aggregates and allocations in this resolution by the amount provided by that measure for that purpose, but not to exceed \$116,989,000,000 in new budget authority and outlays for the period of fiscal years 2003 through 2012 or \$116,989,000,000 in revenues for the period of fiscal years 2003 through 2012 or any combination of budget authority and outlays or revenues as long as the sum of all revisions does not exceed \$116,989,000,000.

SEC. 213. RESERVE FUND FOR FAMILY OPPORTUNITY ACT.

If the Committee on Finance of the Senate reports a bill or joint resolution, or if an amendment thereto is offered or a con-

ference report thereon is submitted, that provides States with the opportunity to expand Medicaid coverage for children with special needs, allowing families of disabled children with the opportunity to purchase coverage under the Medicaid Program for such children (commonly referred to as the "Family Opportunity Act of 2002"), the chairman of the Committee on the Budget, in consultation with the ranking member, may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed \$142,000,000 in new budget authority and \$95,000,000 in outlays for fiscal year 2003, and \$8,390,000,000 in new budget authority and \$7,940,000,000 in outlays for the period of fiscal years 2003 through 2012.

SEC. 214. RESERVE FUND FOR IDEA.

(a) **RESERVE FUND FOR 2003.**—In the Senate, if the Committee on Appropriations reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides in excess of \$8,529,000,000 in new budget authority for fiscal year 2003 for grants to States authorized under part B of the Individuals with Disabilities Education Act (IDEA), the chairman of the Committee on the Budget, in consultation with the ranking member, may revise the appropriate allocations for such committee and other appropriate levels in this resolution by the amount provided by that measure for that purpose, but not to exceed \$9,482,000,000 in new budget authority for fiscal year 2003 and outlays flowing therefrom.

(b) **ADDITIONAL RESOURCES AVAILABLE FOR REFORM.**—

(1) **FINDINGS.**—The Senate finds that—

(A) the Individuals with Disabilities Education Act (IDEA), which since 1975 has guaranteed the Nation's disabled school children the right to a free and appropriate public education, is under consideration for reauthorization and reform by the 107th Congress;

(B) special education enrollment (as a share of total enrollment) continues to grow, and the cost of educating the average disabled student is nearly twice that of the average non-disabled student, according to the Department of Education; and

(C) the President has established a Commission on Excellence in Special Education to identify areas of needed reform and improvement in IDEA, to be reported to the President no later than July 1, 2002.

(2) **SENSE OF THE SENATE.**—It is the sense of the Senate that this budget resolution provides substantial additional funding for IDEA programs in 2003, and that future budget resolutions will provide additional resources in a manner consistent with the Commission's report and reforms and reauthorization of IDEA enacted into law.

SEC. 215. RESERVE FUND FOR HIGHWAYS AND HIGHWAY SAFETY.

(a) **IN GENERAL.**—In the Senate, if the Committee on Appropriations reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that establishes an obligation limitation in excess of \$23,285,000,000 for fiscal year 2003 for programs, projects, and activities within the highway category (under section 251(c)(7)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985), the chairman of the Committee on the Budget, in consultation with the ranking member, may increase the allocation of outlays and other appropriate budgetary aggregates, including the discretionary spending limits set out in this resolution for such committee

by the amount of outlays resulting from such excess, but—

(1) only if the chairman of the Committee on the Budget determines, in consultation with the ranking member, that the bill or joint resolution, or amendment thereto or conference report thereon, that establishes such obligation limitation provides that such increase to the obligation limitation is made available solely for programs, projects, or activities as distributed under section 1102 of the Transportation Equity Act for the 21st Century; and

(2) not to exceed \$1,180,000,000 in outlays for fiscal year 2003.

(b) **RULE OF ENFORCEMENT.**—In the Senate, section 302(f)(2) of the Congressional Budget Act of 1974 shall be deemed to apply to the applicable allocation of outlays in the case of any bill or joint resolution that establishes an obligation limitation for fiscal year 2003 for programs within the highway category, or amendment thereto or conference report thereon.

SEC. 216. AMTRAK RESERVE.

(a) **IN GENERAL.**—In the Senate, if the Committee on Commerce, Science, and Transportation reports a bill or joint resolution which restructures and reforms the national passenger rail system and such measure is enacted and if the Committee on Appropriations reports a bill or joint resolution, or amendment is offered thereto, or a conference report thereon is submitted that provides in excess of \$531,000,000 in new budget authority for fiscal year 2003 for a national passenger rail system, then the Chairman of the Committee on the Budget, with the concurrence of the ranking member, may revise the section 302(a) allocation to the Committee on Appropriations and other appropriate budgetary aggregates, including the discretionary spending limits set out in this resolution, but such revisions shall not exceed \$987,000,000 in new budget authority and \$171,000,000 in outlays for fiscal year 2003.

Subtitle C—Miscellaneous Provisions

SEC. 221. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) **APPLICATION.**—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) **EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.**—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) **BUDGET COMMITTEE DETERMINATIONS.**—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committees on the Budget of the House of Representatives and the Senate; and

(2) such chairman, and in the Senate, (in consultation with the ranking member), as applicable, may make any other necessary adjustments to such levels to carry out this resolution.

SEC. 222. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be

considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE III—SENSE OF THE SENATE

SEC. 301. SENSE OF THE SENATE REGARDING ESTIMATES OF THE COST OF SMALL BUSINESS CREDIT PROGRAMS.

(a) FINDINGS.—The Senate finds the following:

(1) Small businesses play a critical role in our Nation and our economy, and the Federal Government assists that role by providing small businesses with loans and loan guarantees.

(2) Since the enactment of the Federal Credit Reform Act of 1990, the Small Business Administration and Office of Management and Budget have repeatedly reestimated downward the subsidy cost for the Small Business Administration's 7(a) and 504 credit programs. For the 7(a) program alone, SBA and OMB have reestimated more than \$1,000,000,000 in subsidy costs.

(3) These overestimates have resulted in borrowers and lenders in both programs having to pay higher than necessary fees to participate in the programs.

(4) In addition, these overestimates have diverted more than \$1,000,000,000 in resources from other discretionary programs.

(5) In its 2003 budget, the Administration expects to further revise downward in fiscal year 2002 the estimated cost of small business loan programs.

(6) The Administration has begun working on substantially revising its model for the section 7(a) program, but was unable to complete its work in time for the 2003 budget.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the performance of the SBA and OMB in administering the Federal Credit Reform Act for small business credit programs has been unsatisfactory;

(2) the Administration should expeditiously complete its work on the new model for the section 7(a) program and share the results of that work with the Budget and Small Business Committees by no later than this August;

(3) the Administration should immediately begin work on similarly improving its subsidy model for the section 504 program; and

(4) the Administration should work with Congress to ensure that adequate funding is provided in fiscal year 2003 for small business credit programs.

SEC. 302. SENSE OF THE SENATE REGARDING FEDERAL EMPLOYEE PAY.

(a) FINDINGS.—The Senate finds the following:

(1) Members of the uniformed services and civilian employees of the United States make significant contributions to the general welfare of the Nation.

(2) Increases in the pay of members of the uniformed services and of civilian employees of the United States have not kept pace with increases in the overall pay levels of workers in the private sector, so that there now exists—

(A) a 32 percent gap between compensation levels of Federal civilian employees and compensation levels of private sector workers; and

(B) an estimated 10 percent gap between compensation levels of members of the uniformed services and compensation levels of private sector workers.

(3) The President's budget proposal for fiscal year 2003 includes a 4.1 percent pay raise for military personnel.

(4) The Office of Management and Budget has requested that Federal agencies plan their fiscal year 2003 budgets with a 2.6 percent pay raise for civilian Federal employees.

(5) In almost every year during the past 2 decades, there have been equal adjustments in the compensation of members of the uniformed services and the compensation of civilian employees of the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

SEC. 303. SENSE OF THE SENATE ON MENTAL HEALTH PARITY.

It is the sense of the Senate that in providing for mental health parity—

(1) nothing in this budget resolution shall be construed to alter or amend title II of the Social Security Act (or any regulation promulgated under that Act);

(2) the Secretary of the Treasury will annually estimate the impact of enactment of such a policy on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401); and

(3) that if the Secretary of the Treasury estimates that the enactment of mental health parity has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of this policy.

SEC. 304. SENSE OF THE SENATE ON MEDICAID COMMISSION.

It is the sense of the Senate that Congress should establish a National Commission on Medicaid and State-Based Health Care Reform to study and make recommendations to Congress, the President, and the Secretary of Health and Human Services with respect to the program under title XIX of the Social Security Act.

SEC. 305. SENSE OF THE SENATE REGARDING PILT FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) if certain Federal lands are not to become part of the local tax base, then compensation should be offered to local governments to make up for the presence of non-taxable land within their jurisdictions;

(2) PILT funds are critical to the budget of local governments, which supply many valuable local social services, such as law enforcement, road maintenance and fire-fighting, as well as services for adjacent Federal lands such as search and rescue operations;

(3) the Administration has proposed funding PILT at \$165,000,000 for fiscal year 2003, which is 22 percent less than the current funding level—of \$325,000,000; and

(4) many counties with high percentages of Federal land ownership that rely on PILT payments have higher than average unemployment and poverty.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that within the discretionary allocation provided to the Committee on Appropriations that the Payment in Lieu of Taxes program should be fully funded.

SA 3685. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the

fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . The provisions of S. Con. Res. 100 (107th Congress) as reported by the Committee on the Budget and placed on the calendar is adopted by the Senate and the House of Representatives as the concurrent resolution on the budget for fiscal year 2003 in accordance with section 301 of the Congressional Budget Act of 1974.

SA 3686. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —BUDGET ENFORCEMENT

SEC. 01. BUDGET DISCIPLINE AND ENFORCEMENT FOR FISCAL YEAR 2003.

(a) STATUTORY DISCRETIONARY SPENDING LIMITS.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended by striking paragraph (7) and inserting the following:

“(7) with respect to fiscal year 2003—

“(A) for the nondefense discretionary category: \$363,017,000,000 in new budget authority and \$365,541,000,000 in outlays;

“(B) for the defense discretionary category: \$392,754,000,000 in new budget authority and \$380,226,000,000 in outlays;

“(C) for the highway category: \$27,742,000,000 in outlays;

“(D) for the mass transit category: \$1,445,000,000 in new budget authority and \$6,030,000,000 in outlays; and

“(E) for the conservation spending category: \$1,922,000,000 in new budget authority and \$1,872,000,000 in outlays.”

(b) REPEAL OF OBSOLETE PROVISIONS.—

(1) CONGRESSIONAL BUDGET ACT OF 1974.—Section 314(b) of the Congressional Budget Act of 1974 is amended—

(A) by striking paragraphs (2) through (5); and

(B) by redesignating paragraph (6) as paragraph (2).

(2) BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended

(A) by striking subparagraphs (C) through (F); and

(B) by redesignating subparagraph (G) as subparagraph (C).

(c) CONFORMING AMENDMENTS.—Section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended

(1) in subsection (c)(2), by striking “2002” each time it appears and inserting “2003”; and

(2) in subsection (f)(2)(A), by striking “2002” each time it appears and inserting “2003”.

SEC. 02. ENFORCEMENT EXTENSIONS.

(a) EXTENSION OF ENFORCING DISCRETIONARY SPENDING LIMITS.—Notwithstanding section 275 of the Balanced Budget and Emergency Deficit Control Act of 1985, section 251 of that Act shall expire on September 30, 2003.

(b) EXTENSION OF ENFORCING PAY-AS-YOU-GO.—

(1) IN GENERAL.—Notwithstanding section 275 of the Balanced Budget and Emergency Deficit Control Act of 1985, section 252, except as provided in paragraph (2), and sections 254, 255, 256, 257, 258, 258A, and 258C of that Act shall expire on September 30, 2011.

(2) EXCEPTION FOR ON-BUDGET SURPLUSES.—If prior to September 30, 2007, the Final Monthly Treasury Statement for any of the fiscal years 2002 through 2006 reports an on-budget surplus, section 252 shall expire at the end of the following fiscal year and the President, in the next budget, shall submit to Congress a recommendation for pay-as-you-go enforcement procedures that the President believes are appropriate when there is an on-budget surplus.

(3) CONFORMING AMENDMENT.—Subsections (a) and (b)(1) of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking “2002” each place it appears and inserting “2007”.

(c) EXTENSION OF SUPERMAJORITY DISCIPLINE IN THE SENATE.—Section 904(e) of the Congressional Budget Act of 1974 is amended by striking “2002” and inserting “2007”.

SEC. 3. SENATE ENFORCEMENT.

(a) ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS OF THE SENATE.—Upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall file allocations to the committee on Appropriations of the Senate consistent with this Act pursuant to section 302(a) of the Congressional Budget Act of 1974.

(b) RESTRICTIONS ON ADVANCE APPROPRIATIONS IN THE SENATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider any reported bill or joint resolution, or amendment thereto or conference report thereon, that would provide an advance appropriation.

(2) EXCEPTION.—An advance appropriation may be provided—

(A) for fiscal year 2004 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this Act under the heading “Accounts Identified for Advance Appropriations” in an aggregate amount not to exceed \$23,159,000,000 in new budget authority; and

(B) for the Corporation for Public Broadcasting.

(3) APPLICATION OF POINT OF ORDER IN THE SENATE.—

(A) WAIVER AND APPEAL.—In the Senate, paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(B) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(C) CONFERENCE REPORTS.—If a point of order is sustained under paragraph (1) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(4) DEFINITION.—In this subsection, the term “advance appropriation” means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2002 that first becomes available for any fiscal year after 2002.

(5) PROHIBITION ON DIVERTING CRIME VICTIMS FUND.—

(A) PURPOSE.—The purpose of this paragraph is to ensure that amounts deposited in the Crime Victims Fund are distributed in a timely manner to assist victims of crime as intended by current law and are not diverted to offset increased spending when such offset devices produce permanent budgetary or economic effects.

(B) BUDGETARY RULE.—For purposes of points of order under the Congressional

Budget Act of 1974 with respect to fiscal year 2004 and any subsequent fiscal year, provisions contained in any bill, resolution, amendment, motion, or conference report that perpetuate or resemble section 619 of Public Law 107-77 shall not be scored with respect to the level of budget authority, outlays, or revenues contained in such legislation.

(c) PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.—

(1) PURPOSE.—The Senate declares that it is essential to continue the pay-as-you-go enforcement system.

(2) POINT OF ORDER.—

(A) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any 1 of the 3 applicable time periods as measured in subparagraphs (E) and (F).

(B) APPLICABLE TIME PERIODS.—For purposes of this subsection the term “applicable time period” means any 1 of the 3 following periods:

(i) The budget year.

(ii) The period of the budget year and the following 4 fiscal years.

(iii) The period of the 5 fiscal years following the 5 fiscal years described in clause (ii).

(C) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in subparagraph (D), the term “direct-spending legislation” means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(D) EXCLUSION.—The terms “direct-spending legislation” and “revenue legislation” do not include—

(i) any concurrent resolution on the budget; or

(ii) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(E) BASELINE.—Estimates prepared pursuant to this subsection shall—

(i) use the baseline used for the most recently adopted concurrent resolution on the budget; and

(ii) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by subparagraph (B).

(F) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, then it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under subparagraph (E)(i), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(3) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(4) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and

sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(5) DETERMINATION OF BUDGET LEVELS.—For purposes of this subsection, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(d) EXERCISE OF RULEMAKING POWERS.—Congress adopts the provisions of this section—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each house, or of that house to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either house to change those rules (so far as they relate to that house) at any time, in the same manner, and to the same extent as in the case of any other rule of that house.

(e) SUNSET.—Subsections (a) through (d) shall cease to be effective upon the adoption of a concurrent resolution on the budget for fiscal year 2003.

(f) ADDITIONAL ENFORCEMENT.—Section 205(g) of H. Con. Res. 290 (106th Congress) is repealed.

SEC. 4. REPEAL OF OBSOLETE PROVISIONS.

(a) IN GENERAL.—Section 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 is repealed.

(b) CONFORMING AMENDMENTS.—

(1) CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.—Section 312 of the Congressional Budget and Impoundment Control Act of 1974 is amended—

(A) by repealing subsection (c); and

(B) by redesignating subsections (d) through (f) as subsections (c) through (e).

(2) BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(A) in section 251(a)(1), by striking “and section 253”;

(B) in section 252(b)—

(i) in paragraph (1), by striking “or section 253”; and

(ii) in paragraph (2)(B), by striking “or section 253”.

SA 3687. Mr. GREGG (for himself and Ms. CANTWELL) proposed an amendment to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

PART—BUDGET ENFORCEMENT

SECTION 1. SHORT TITLE.

This Part may be cited as the “Budget Enforcement Act of 2002”.

SEC. 2. EXTENSION OF DISCRETIONARY SPENDING LIMITS.

(a) IN GENERAL.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901) is amended by striking paragraphs (7) through (16) and inserting the following:

“(7) with respect to fiscal year 2003—

“(A) for the discretionary category: \$766,169,000,000 in new budget authority and \$758,880,000,000 in outlays;

“(B) for the highway category: \$27,728,000,000 in outlays;

“(C) for the mass transit category: \$6,256,000,000 in outlays; and

“(D) for the conservation spending category: \$1,920,000,000 in new budget authority and \$1,872,000,000 in outlays;

“(8)(A) with respect to fiscal year 2004 for the discretionary category: \$784,425,000,000 in new budget authority and \$814,447,000,000 in outlays; and

“(B) with respect to fiscal year 2004 for the conservation spending category: \$2,080,000,000, in new budget authority and \$2,032,000,000 outlays;

“(9)(A) with respect to fiscal year 2005 for the discretionary category: \$801,968,000,000 in new budget authority and \$833,246,000,000 in outlays; and

“(B) with respect to fiscal year 2005 for the conservation spending category: \$2,240,000,000, in new budget authority and \$2,192,000,000 in outlays;

“(10)(A) with respect to fiscal year 2006 for the discretionary category: \$819,740,000,000, in new budget authority and \$845,056,000,000 in outlays; and

“(B) with respect to fiscal year 2006 for the conservation spending category: \$2,400,000,000, in new budget authority and \$2,352,000,000 in outlays;

“(11) with respect to each fiscal year 2002 through 2006 for the Federal and State Land and Water Conservation Fund subcategory of the conservation spending category: \$540,000,000 in new budget authority and the outlays flowing therefrom;

“(12) with respect to each fiscal year 2002 through 2006 for the State and Other Conservation subcategory of the conservation spending category: \$300,000,000 in new budget authority and the outlays flowing therefrom;

“(13) with respect to each fiscal year 2002 through 2006 for the Urban and Historic Preservation subcategory of the conservation spending category: \$160,000,000 in new budget authority and the outlays flowing therefrom;

“(14) with respect to each fiscal year 2002 through 2006 for the Payments in Lieu of Taxes subcategory of the conservation spending category: \$50,000,000 in new budget authority and the outlays flowing therefrom;

“(15) with respect to each fiscal year 2002 through 2006 for the Federal Deferred Maintenance subcategory of the conservation spending category: \$150,000,000 in new budget authority and the outlays flowing therefrom;

“(16) for the Coastal Assistance subcategory of the conservation spending category:

“(A) with respect to fiscal year 2002: \$440,000,000 in new budget authority and the outlays flowing therefrom;

“(B) with respect to fiscal year 2003: \$480,000,000 in new budget authority and the outlays flowing therefrom;

“(C) with respect to fiscal year 2004: \$520,000,000 in new budget authority and the outlays flowing therefrom;

“(D) with respect to fiscal year 2005: \$560,000,000 in new budget authority and the outlays flowing therefrom;

“(E) with respect to fiscal year 2006: \$600,000,000 in new budget authority and the outlays flowing therefrom; and

“(17) with respect to fiscal year 2007 for the discretionary category: \$840,993,000,000, in new budget authority and \$858,266,000,000 in outlays.”

(b) REPORTS.—Subsections (c)(2) and (f)(2) of section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904) are amended by striking “2002” and inserting “2007”.

(c) EXPIRATION.—

(1) GRAMM-RUDMAN-HOLLINGS.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended—

(A) by striking “2002” and inserting “2007”; and

(B) by striking “2006” and inserting “2011”.

(2) CONGRESSIONAL BUDGET ACT.—Section 904(e) of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended by striking “2002” and inserting “2007”.

SEC. 3. EXTENSION OF PAY-AS-YOU-GO REQUIREMENT.

Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) is amended—

(1) in subsections (a) and (b)(1), by striking “enacted before October 1, 2002,” and inserting “enacted before October 1, 2007”; and

(2) in subsection (b) by inserting at the end thereof the following:

“(3) EXCEPTION.—Notwithstanding any other provision of law, there shall be no sequestration under this section for any fiscal year in which a surplus exists (as measured in conformance with section 13301 of the Budget Enforcement Act of 1990).”

SEC. 4. POINT OF ORDER TO REQUIRE COMPLIANCE WITH THE DISCRETIONARY SPENDING LIMITS AND PAY-AS-YOU-GO.

Section 312(b) of the Congressional Budget Act of 1974 (2 U.S.C. 643(b)) is amended to read as follows:

“(b) DISCRETIONARY SPENDING LIMIT AND PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.—

“(1) IN GENERAL.—Except as otherwise provided in paragraph (6), it shall not be in order in the Senate to consider any bill or resolution or any separate provision of a bill or resolution (or amendment, motion, or conference report on that bill or resolution) that would—

“(A) exceed any of the discretionary spending limits set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 or any suballocation of such limits among subcommittees under section 302(b); or

“(B) for direct spending or revenue legislation, would cause or increase a deficit (as measured in conformance with section 13301 of the Budget Enforcement Act of 1990) for any one of the following three applicable time periods:

“(i) the first year covered by the most recently adopted concurrent resolution on the budget;

“(ii) the period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget; or

“(iii) the period of the 5 fiscal years following the first five fiscal years covered in the most recently adopted concurrent resolution on the budget.

“(2) BUDGET RESOLUTIONS.—Except as otherwise provided in paragraph (6), it shall not be in order in the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report on that concurrent resolution) that would exceed any of the discretionary spending limits set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985.

“(3) POINT OF ORDER AGAINST A SPECIFIC PROVISION.—If the Presiding Officer sustains a point of order under paragraph (1) with respect to any separate provision of a bill or resolution, that provision shall be stricken from the measure and may not be offered as an amendment from the floor.

“(4) FORM OF THE POINT OF ORDER.—A point of order under this section may be raised by a Senator as provided in section 313(e).

“(5) CONFERENCE REPORTS.—If a point of order is sustained under this section against a conference report the report shall be disposed of as provided in section 313(d).

“(6) EXCEPTIONS.—This subsection shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.”

SEC. 5. ENFORCEMENT AGAINST BUDGET EVASION.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by inserting at the end the following:

“BUDGET EVASION POINT OF ORDER

“SEC. 316. (a) Discretionary Spending Limits.—It shall not be in order to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that waives or suspends the enforcement of section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 or otherwise would alter the spending limits set forth in that section.

“(b) PAY-AS-YOU-GO.—It shall not be in order to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that waives or suspends the enforcement of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 or otherwise would alter the balances of the pay-as-you-go scorecard pursuant to that section.

“(c) DIRECTED SCORING.—It shall not be in order in the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that directs the scorekeeping of any bill or resolution.

“(d) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.”

(b) TABLE OF CONTENTS.—The table of contents for the Congressional Budget Act of 1974 is amended by inserting after the item for section 315 the following:

“316. Budget evasion point of order.”

SA 3688. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —BUDGET ENFORCEMENT

SEC. 01. BUDGET DISCIPLINE AND ENFORCEMENT FOR FISCAL YEAR 2003.

(a) STATUTORY DISCRETIONARY SPENDING LIMITS.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended by striking paragraph (7) and inserting the following:

“(7) with respect to fiscal year 2003—

“(A) for the nondefense discretionary category: \$371,965,000,000 in new budget authority and \$372,224,000,000 in outlays;

“(B) for the defense discretionary category: \$392,757,000,000 in new budget authority and \$380,228,000,000 in outlays;

“(C) for the highway category: \$28,922,000,000 in outlays;

“(D) for the mass transit category: \$1,445,000,000 in new budget authority and \$6,030,000,000 in outlays; and

“(E) for the conservation spending category: \$1,922,000,000 in new budget authority and \$1,872,000,000 in outlays.”

(b) REPEAL OF OBSOLETE PROVISIONS.—

(1) CONGRESSIONAL BUDGET ACT OF 1974.—Section 314(b) of the Congressional Budget Act of 1974 is amended—

(A) by striking paragraphs (2) through (5); and

(B) by redesignating paragraph (6) as paragraph (2).

(2) BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended

(A) by striking subparagraphs (C) through (F); and

(B) by redesignating subparagraph (G) as subparagraph (C).

(c) CONFORMING AMENDMENTS.—Section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended

(1) in subsection (c)(2), by striking “2002” each time it appears and inserting “2003”; and

(2) in subsection (f)(2)(A), by striking “2002” each time it appears and inserting “2003”.

SEC. 02. ENFORCEMENT EXTENSIONS.

(a) EXTENSION OF ENFORCING DISCRETIONARY SPENDING LIMITS.—Notwithstanding section 275 of the Balanced Budget and Emergency Deficit Control Act of 1985, section 251 of that Act shall expire on September 30, 2003.

(b) EXTENSION OF ENFORCING PAY-AS-YOU-GO.—

(1) IN GENERAL.—Notwithstanding section 275 of the Balanced Budget and Emergency Deficit Control Act of 1985, section 252, except as provided in paragraph (2), and sections 254, 255, 256, 257, 258, 258A, and 258C of that Act shall expire on September 30, 2011.

(2) EXCEPTION FOR ON-BUDGET SURPLUSES.—If prior to September 30, 2007, the Final Monthly Treasury Statement for any of the fiscal years 2002 through 2006 reports an on-budget surplus, section 252 shall expire at the end of the following fiscal year and the President, in the next budget, shall submit to Congress a recommendation for pay-as-you-go enforcement procedures that the President believes are appropriate when there is an on-budget surplus.

(3) CONFORMING AMENDMENT.—Subsections (a) and (b)(1) of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking “2002” each place it appears and inserting “2007”.

(c) EXTENSION OF SUPERMAJORITY DISCIPLINE IN THE SENATE.—Section 904(e) of the Congressional Budget Act of 1974 is amended by striking “2002” and inserting “2007”.

SEC. 03. SENATE ENFORCEMENT.

(a) ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS OF THE SENATE.—Upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall file allocations to the committee on Appropriations of the Senate consistent with this Act pursuant to section 302(a) of the Congressional Budget Act of 1974.

(b) RESTRICTIONS ON ADVANCE APPROPRIATIONS IN THE SENATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider any reported bill or joint resolution, or amendment thereto or conference report thereon, that would provide an advance appropriation.

(2) EXCEPTION.—An advance appropriation may be provided—

(A) for fiscal year 2004 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this Act under the heading “Accounts Identified for Advance Appropriations” in an aggregate amount not to exceed \$23,159,000,000 in new budget authority; and

(B) for the Corporation for Public Broadcasting.

(3) APPLICATION OF POINT OF ORDER IN THE SENATE.—

(A) WAIVER AND APPEAL.—In the Senate, paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(B) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised

by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(C) CONFERENCE REPORTS.—If a point of order is sustained under paragraph (1) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(4) DEFINITION.—In this subsection, the term “advance appropriation” means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2002 that first becomes available for any fiscal year after 2002.

(5) PROHIBITION ON DIVERTING CRIME VICTIMS FUND.—

(A) PURPOSE.—The purpose of this paragraph is to ensure that amounts deposited in the Crime Victims Fund are distributed in a timely manner to assist victims of crime as intended by current law and are not diverted to offset increased spending when such offset devices produce permanent budgetary or economic effects.

(B) BUDGETARY RULE.—For purposes of points of order under the Congressional Budget Act of 1974 with respect to fiscal year 2004 and any subsequent fiscal year, provisions contained in any bill, resolution, amendment, motion, or conference report that perpetuate or resemble section 619 of Public Law 107-77 shall not be scored with respect to the level of budget authority, outlays, or revenues contained in such legislation.

(c) PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.—

(1) PURPOSE.—The Senate declares that it is essential to continue the pay-as-you-go enforcement system.

(2) POINT OF ORDER.—

(A) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any 1 of the 3 applicable time periods as measured in subparagraphs (E) and (F).

(B) APPLICABLE TIME PERIODS.—For purposes of this subsection the term “applicable time period” means any 1 of the 3 following periods:

(i) The budget year.

(ii) The period of the budget year and the following 4 fiscal years.

(iii) The period of the 5 fiscal years following the 5 fiscal years described in clause (ii).

(C) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in subparagraph (D), the term “direct-spending legislation” means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(D) EXCLUSION.—The terms “direct-spending legislation” and “revenue legislation” do not include—

(i) any concurrent resolution on the budget; or

(ii) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(E) BASELINE.—Estimates prepared pursuant to this subsection shall—

(i) use the baseline used for the most recently adopted concurrent resolution on the budget; and

(ii) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by subparagraph (B).

(F) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, then it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under subparagraph (E)(i), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(3) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(4) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(5) DETERMINATION OF BUDGET LEVELS.—For purposes of this subsection, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(d) EXERCISE OF RULEMAKING POWERS.—Congress adopts the provisions of this section—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each house, or of that house to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either house to change those rules (so far as they relate to that house) at any time, in the same manner, and to the same extent as in the case of any other rule of that house.

(e) SUNSET.—Subsections (a) through (d) shall cease to be effective upon the adoption of a concurrent resolution on the budget for fiscal year 2003.

(f) ADDITIONAL ENFORCEMENT.—Section 205(g) of H. Con. Res. 290 (106th Congress) is repealed.

SEC. 04. REPEAL OF OBSOLETE PROVISIONS.

(a) IN GENERAL.—Section 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 is repealed.

(b) CONFORMING AMENDMENTS.—

(1) CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.—Section 312 of the Congressional Budget and Impoundment Control Act of 1974 is amended—

(A) by repealing subsection (c); and

(B) by redesignating subsections (d) through (f) as subsections (c) through (e).

(2) BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(A) in section 251(a)(1), by striking “and section 253”;

(B) in section 252(b)—

(i) in paragraph (1), by striking “or section 253”; and

(ii) in paragraph (2)(B), by striking “or section 253”.

SA 3689. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal

year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, between lines 3 and 4, insert the following:

SEC. 5 . WESTERN AREA POWER ADMINISTRATION.

Title III of the Energy and Water Development Appropriations Act, 2002, is amended in the matter under the heading "CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION" (115 Stat. 507) by striking "Fund:" and inserting "Fund, and of which \$400,000 shall be for transmission studies to carry out the functions under section 302(a)(1)(E) of the Department of Energy Organization Act (42 U.S.C. 7152(a)(1)(E)) and shall be non-reimbursable:".

SA 3690. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 93, after line 24, add the following:
SEC. 905. CONSENT TO AMENDMENTS TO CERTAIN SESSION LAWS OF THE STATE OF HAWAII.

As required by section 4 of Public Law 86-3 (73 Stat. 4), the United States consents to the following amendments to the Act adopted by the State of Hawaii in the manner required for State legislation:

- (1) Act of 110 of the Session Laws of Hawaii, 2001;
- (2) Act 122 of the Session Laws of Hawaii, 2001;
- (3) Act 302 of the Session Laws of Hawaii, 2001.

SA 3691. Mr. BYRD (for himself, Mr. STEVENS, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, line 19, strike "\$200,000,000 are rescinded." and insert "\$320,000,000 are rescinded."

**FEDERAL-AID HIGHWAYS
EMERGENCY RELIEF PROGRAM
(HIGHWAY TRUST FUND)**

For an additional amount for the "EMERGENCY RELIEF PROGRAM", as authorized by 23 U.S.C. 125, \$120,000,000, to be derived from the Highway Trust Fund and to remain available until expended."

SA 3692. Mr. BYRD (for himself, Mr. STEVENS, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, line 19, strike "\$200,000,000 are rescinded." and insert "\$220,000,000 are rescinded."

**FEDERAL-AID HIGHWAYS
EMERGENCY RELIEF PROGRAM
(HIGHWAY TRUST FUND)**

For an additional amount for the "EMERGENCY RELIEF PROGRAM", as authorized by 23 U.S.C. 125, \$20,000,000, to be derived from the Highway Trust Fund and to remain available until expended."

SA 3693. Mr. BYRD (for himself, Mr. STEVENS, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike all beginning after the second comma on page 96, line 24, through the comma on page 97 line 2, and insert the following: "\$287,000,000 to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That "\$167,000,000 of the amount provided shall be for emergency expenses to respond to the September 11, 2001, terrorist attacks on New York City, for the State of New York: *Provided further*,".

SA 3694. Mr. BYRD (for himself, Mr. STEVENS, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike all beginning after the second comma on page 96, line 24, through the comma on page 97 line 2, and insert the following: "\$187,000,000 to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That "\$167,000,000 of the amount provided shall be for emergency expenses to respond to the September 11, 2001, terrorist attacks on New York City, for the State of New York: *Provided further*,".

SA 3695. Mr. BURNS (for himself, Mr. BAUCUS, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 1 of title I, add the following:

SEC. 103. INCOME LOSS ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture shall use \$1,800,000,000 of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers on a farm that have incurred qualifying income losses in calendar year 2001.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-55), including using the same loss thresholds for the quantity and economic losses as were used in administering that section.

(c) USE OF FUNDS FOR CASH PAYMENTS.—The Secretary may use funds made available under this section to make, in a manner consistent with this section, cash payments not for crop disasters, but for income loss to carry out the purposes of this section.

SEC. 104. LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture shall use \$500,000,000 of the funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2001 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001, of which \$12,000,000 shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug

Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105-277; 114 Stat. 1549A-51).

SA 3696. Mr. LEAHY (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, line 15, strike "or subsequent Acts".

SA 3697. Mr. LEAHY (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 60, line 4, strike "and equipment" and insert in lieu thereof "equipment and related assistance".

SA 3698. Mr. LEAHY (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, line 19, strike "may" and everything that follows through "Initiative" on line 20, and insert in lieu thereof "shall be made available for may of the programs and activities identified in clause (i) to improve the lives of the Colombian people".

SA 3699. Mr. JEFFORDS (for himself and Mr. SMITH of New Hampshire) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, strike lines 13 through 19.

SA 3700. Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 2 and 3, insert the following:

SEC. 307. None of the funds appropriated by this or any other Act may be used to convert the 939th Combat Search and Rescue Wing of the Air Force Reserve, based in Portland, Oregon, to an Air Refueling Wing or to transfer any of the aircraft from the 939th Combat Search and Rescue Wing out of such Wing.

SA 3701. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for

other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, add the following:

SEC. —Notwithstanding any other provision of law, the Secretary of the Army may carry out fencing and access control projects in support of installation-wide control measures not otherwise authorized by law using appropriations made available in Public Law 107-117 under the heading "Operation and Maintenance, Army".

SA 3702. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill insert the text of S. 1713 as ordered favorably reported by the Committee on Governmental Affairs of the United States Senate on May 22, 2002.

SA 3703. Mr. MCCAIN (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, strike lines 1 through 11.

SA 3704. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 24 through 26.

SA 3705. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 52, strike lines 4 through 9.

SA 3706. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 5 of title I, add the following:

SEC. 505. The President shall select the location of the National Center for Combatting Terrorism to be constructed using amounts appropriated by this chapter.

SA 3707. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 5 of title I, add the following:

SEC. 505. Notwithstanding any other provision of this chapter, the amount appropriated by this chapter for construction of the National Center for Combatting Ter-

rorism, or any portion of such amount, may be obligated and expended instead, at the election of the President, for purposes as follows:

- (1) Critical force protection.
- (2) Homeland defense.

SA 3708. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 5 of title I, add the following:

SEC. 505. (a) AVAILABILITY OF NATIONAL CENTER FOR COMBATTING TERRORISM FUNDS FOR FORCE PROTECTION AND HOMELAND DEFENSE.—Notwithstanding any other provision of this chapter, the amount appropriated by this chapter for construction of the National Center for Combatting Terrorism, or any portion of such amount, may be obligated and expended instead, at the election of the President, for purposes as follows:

- (1) Critical force protection.
- (2) Homeland defense.

(b) LOCATION FOR NATIONAL CENTER FOR COMBATTING TERRORISM.—If the President elects to construct the National Center for Combatting Terrorism using amounts appropriated by this chapter, the President shall select the location of the National Center for Combatting Terrorism.

SA 3709. Mr. INHOFE (for himself and Mr. NICKLES) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 5, strike "\$100,000,000" and insert "\$80,000,000".

On page 97, between lines 12 and 13, insert the following:

For an additional amount for emergency relief under section 125 of title 23, United States Code, \$23,000,000, of which \$12,000,000 shall be used for reconstruction of the portion of Interstate Route 40 spanning the Arkansas River in the State of Oklahoma that was destroyed as a result of a barge collision that occurred on May 26, 2002.

SA 3710. Mr. BROWNBACK (for himself, Mr. GRAMM, Mr. HELMS, Mr. FITZGERALD, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —COMMISSION ON THE ACCOUNTABILITY AND REVIEW OF FEDERAL AGENCIES

SEC. 01. SHORT TITLE.

This title may be cited as the "Commission on the Accountability and Review of Federal Agencies Act".

SEC. 02. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the Commission on the Accountability and Review of Federal Agencies (hereafter in this title referred to as the "Commission").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall consist of 12 members, all of whom shall be

appointed by the President within 90 days after the date of enactment of this Act.

(2) CHAIRPERSON AND VICE CHAIRPERSON.—The President shall designate a chairperson and vice chairperson from among the members of the Commission.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the chairperson.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

SEC. 03. DUTIES OF THE COMMISSION.

(a) DEFINITION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the term "agency", as used in this section, has the meaning given the term "executive agency" under section 105 of title 5, United States Code.

(2) EXCEPTION.—The term "agency" does not include the Department of Defense or its subdivisions.

(b) IN GENERAL.—The Commission shall—

(1) evaluate all agencies and programs within those agencies, using the criteria under subsection (c); and

(2) submit to Congress—

(A) a plan with recommendations of the agencies and programs that should be realigned or eliminated; and

(B) proposed legislation to implement the plan under subparagraph (A).

(c) CRITERIA.—

(1) DUPLICATIVE.—If 2 or more agencies or programs are performing the same essential function and the function can be consolidated or streamlined into a single agency or program, the Commission shall recommend that the agency or program be realigned.

(2) WASTEFUL OR INEFFICIENT.—The Commission shall recommend the realignment or elimination of any agency or program that has wasted Federal funds by—

(A) egregious spending;

(B) mismanagement of resources and personnel; or

(C) use of such funds for personal benefit or the benefit of a special interest group.

(3) OUTDATED, IRRELEVANT, OR FAILED.—The Commission shall recommend the elimination of any agency or program that—

(A) has completed its intended purpose;

(B) has become irrelevant; or

(C) has failed to meet its objectives.

(d) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the President and Congress a report that includes—

(A) the plan described under subsection (b)(1) with supporting documentation for all recommendations; and

(B) the proposed legislation described under subsection (b)(2).

(2) USE OF SAVINGS.—The proposed legislation under paragraph (1)(B) shall provide that all funds saved by the implementation of the plan under paragraph (1)(A) shall be used to support other domestic programs.

(3) RELOCATION OF FEDERAL EMPLOYEES.—The proposed legislation under paragraph (1)(B) shall provide that if the position of an employee of an agency is eliminated as a result of the implementation of the plan under paragraph (1)(A), the affected agency shall make reasonable efforts to relocate such employee to another position within the agency or within another Federal agency.

SEC. 04. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this title—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as any member of the Commission considers advisable;

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses as any member of the Commission considers advisable; and

(3) require, by subpoena or otherwise, the production of such books, records, correspondence, memoranda, papers, documents, tapes, and other evidentiary materials relating to any matter under investigation by the Commission.

(b) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (a) shall bear the signature of the chairperson of the Commission and shall be served by any person or class of persons designated by the chairperson for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this title. Upon request of the chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(d) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 05. COMMISSION PERSONNEL MATTERS.**(a) COMPENSATION OF MEMBERS.—**

(1) NON-FEDERAL MEMBERS.—Except as provided under subsection (b), each member of the Commission who is not an officer or employee of the Federal Government shall not be compensated.

(2) FEDERAL OFFICERS OR EMPLOYEES.—All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—Upon the approval of the chairperson, the executive director may

fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the maximum rate payable for a position at GS-15 of the General Schedule under section 5332 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—

Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—

The chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 06. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits the report under section 03(d).

SEC. 07. CONGRESSIONAL CONSIDERATION OF REFORM PROPOSALS.**(a) DEFINITIONS.—In this section—**

(1) the term "implementation bill" means only a bill which is introduced as provided under subsection (b), and contains the proposed legislation included in the report submitted to Congress under section 03, without modification; and

(2) the term "calendar day" means a calendar day other than 1 on which either House is not in session because of an adjournment of more than 3 days to a date certain.

(b) INTRODUCTION; REFERRAL; AND REPORT OR DISCHARGE.—

(1) INTRODUCTION.—On the first calendar day on which both Houses are in session, on or immediately following the date on which the report is submitted to Congress under section 03, a single implementation bill shall be introduced (by request)—

(A) in the Senate by the Majority Leader of the Senate, for himself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate; and

(B) in the House of Representatives by the Speaker of the House of Representatives, for himself and the Minority Leader of the House of Representatives, or by Members of the House of Representatives designated by the Speaker and Minority Leader of the House of Representatives.

(2) REFERRAL.—The implementation bills introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the Senate and any appropriate committee of jurisdiction in the House of Representatives. A committee to which an implementation bill is referred under this paragraph may report such bill to the respective House without amendment.

(3) REPORT OR DISCHARGE.—If a committee to which an implementation bill is referred has not reported such bill by the end of the 15th calendar day after the date of the introduction of such bill, such committee shall be

immediately discharged from further consideration of such bill, and upon being reported or discharged from the committee, such bill shall be placed on the appropriate calendar.

(c) FLOOR CONSIDERATION.—

(1) IN GENERAL.—When the committee to which an implementation bill is referred has reported, or has been discharged under subsection (b)(3), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the implementation bill, and all points of order against the implementation bill (and against consideration of the implementation bill) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the implementation bill is agreed to, the implementation bill shall remain the unfinished business of the respective House until disposed of.

(2) AMENDMENTS.—An implementation bill may not be amended in the Senate or the House of Representatives.

(3) DEBATE.—Debate on the implementation bill, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the implementation bill is not in order. A motion to reconsider the vote by which the implementation bill is agreed to or disagreed to is not in order.

(4) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on an implementation bill, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the implementation bill shall occur.

(5) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to an implementation bill shall be decided without debate.

(d) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by 1 House of an implementation bill of that House, that House receives from the other House an implementation bill, then the following procedures shall apply:

(1) NONREFERRAL.—The implementation bill of the other House shall not be referred to a committee.

(2) VOTE ON BILL OF OTHER HOUSE.—With respect to an implementation bill of the House receiving the implementation bill—

(A) the procedure in that House shall be the same as if no implementation bill had been received from the other House; but

(B) the vote on final passage shall be on the implementation bill of the other House.

(e) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of an implementation bill described in subsection (a), and it supersedes other rules only to the

extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 08. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2002 through 2005 for carrying out this title.

SA 3711. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike all from page 98, line 19 through page 99, line 2 and insert the following:

“For an additional amount for the National Railroad Passenger Corporation for emergency expenses to ensure the safety of rail passenger operations, \$12,000,000 shall be used for emergency security needs.”

SA 3712. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike all from line 24 through line 26.

SA 3713. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike all from line 16 through line 23.

SA 3714. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 71, strike all from the comma at the end of line 8 through the word “Center” on line 12.

SA 3715. Mr. LEAHY (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, line 12, strike “ownership share of” and insert in lieu thereof “financial interest in”.

SA 3716. Mr. LEAHY (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 23, add the following:

SEC. 605. Not later than 45 days after the date of the enactment of this Act, the President shall transmit to the Committee on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate a report setting forth a strategy for meeting the immediate and long-term security needs of Afghanistan in order to promote safe and effective delivery of humanitarian and other assistance throughout Afghanistan, further the rule of law and civil order, and support the formation of a functioning, representative Afghan national government.

SA 3717. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, strike lines 10 through 19, and insert the following:

For an additional amount for the “Child Survival and Health Programs Fund”, \$500,000,000, to remain available until expended: *Provided*, That such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: *Provided further*, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: *Provided further*, That of the funds appropriated by this paragraph, the President shall make at least a \$100,000,000 contribution to the Global Fund to Fight AIDS, Tuberculosis, and Malaria: *Provided further*, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, may be made available for a project or activity only if such funds are matched at least equally, including on an in-kind basis, from sources other than the United States Government: *Provided further*, That funds appropriated by this paragraph may be made available notwithstanding any other provision of law, including section 10 of Public Law 91–672: *Provided further*, That not more than seven percent of the amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SA 3718. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . (a) For the purpose of section 101(a)(1) of the Air Transportation Safety and System Stabilization Act of 2001 (P.L. 107–42), the term “air carrier” as defined in that Act and in title 49 USC 40102 shall include manufacturers of small jet turbofan aircraft that will—

- (1) have 8 passenger seats or fewer,
- (2) will be certified by the Federal Aviation Administration under 14 C.F.R. Part 23,
- (3) utilize avionics compatible with the latest Federal Aviation Administration air traffic control technology initiatives, and
- (4) be designed to provide service to rural, small and medium-sized underserved communities.

(b) For purposes of this section, and subject to such terms and conditions as the Secretary deems necessary, the Secretary of the Treasury shall, within amounts available to carry out the Air Transportation Safety and System Stabilization Act of 2001, issue credit instruments to the manufactures of small jet turbofan aircraft as defined in subsection (a) that do not in the aggregate, exceed \$50,000,000 and provide the subsidy amounts necessary for such instruments in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.)

SA 3719. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . LOAN GUARANTEE.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, subject to such terms and conditions as the Secretary deems necessary, there are hereby appropriated such sums as may be necessary, the Secretary shall issue credit instruments to manufacturers of small jet turbofan aircraft that do not in the aggregate, exceed \$50,000,000 and provide the subsidy amounts necessary for such instruments in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(b) The Secretary shall enter into agreements with 1 or more obligors to issue Federal credit instruments under subsection (a) if the Secretary determines, at his discretion, that—

- (1) the obligor is a manufacturer of small jet turbofan aircraft for which credit is not reasonably available at the time of the transactions; and
- (2) the intended obligation by the obligor is prudently incurred.

(c) **TERMS AND LIMITATIONS.**—

(1) **FORMS; TERMS AND CONDITIONS.**—A Federal credit instrument shall be issued under subsection (a) in such form and on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

(2) **PROCEDURES.**—Not later than 14 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue regulations setting forth procedures for application and minimum requirements, which may be supplied by the Secretary at his discretion, for the issuance of Federal credit instruments under subsection (a).

(d) **FINANCIAL PROTECTION OF GOVERNMENT.**—

(1) **IN GENERAL.**—To the extent feasible and practicable, as provided in paragraphs (2) and

(3), the Secretary shall ensure that the Government is compensated for the risk assumed in making guarantees under this Act.

(2) **GOVERNMENT PARTICIPATION IN GAINS.**—To the extent to which any participating corporation accepts financial assistance, in the form of accepting the proceeds of any loans guaranteed by the Government under this Act, the Board is authorized to enter into contracts under which the Government, contingent on the financial success of the participating corporation, would participate in the gains of the participating corporation or its security holders through the use of such instruments as warrants, stock options, common or preferred stock, or other appropriate equity instruments.

(3) **DEPOSIT IN TREASURY.**—All amounts collected by the Secretary of the Treasury under this subsection shall be deposited in the Treasury as miscellaneous receipts.

(e) **DEFINITIONS.**—In this Act, the term “small jet turbofan aircraft manufacturer” means a person that manufactures small jet turbofan aircraft that will—

(1) have 8 passenger seats or fewer,

(2) will be certified by the Federal Aviation Administration under 14 C.F.R. Part 23,

(3) utilize avionics compatible with the latest Federal Aviation Administration air traffic control technology initiatives, and

(4) be designed to provide service to rural, small and medium sized underserved communities.

(f) *Provided*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3720. Mr. FRIST (for Mr. HELMS (for himself, Mr. FRIST, Mr. KERRY, Mr. WARNER, Mr. DEWINE, Mr. SMITH of Oregon, and Mr. BIDEN)) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

For an additional amount for the “Child Survival and Health Programs Fund”, \$500,000,000, to remain available until March 31, 2003: *Provided*, That such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: *Provided further*, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: *Provided further*, That of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, may make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund: *Provided further*, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, shall not exceed the total resources provided, including on an in-kind basis, from other donors: *Provided further*, That not more than seven percent of the amount of the funds appropriated by this

paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SA 3721. Mr. FRIST (for Mr. HELMS (for himself, Mr. FRIST, Mr. KERRY, Mr. WARNER, Mr. DEWINE, Mr. SMITH of Oregon, and Mr. BIDEN)) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

For an additional amount for the “Child Survival and Health Programs Fund”, \$500,000,000, to remain available until March 31, 2003: *Provided*, That such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: *Provided further*, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: *Provided further*, That of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, may make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund: *Provided further*, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, shall not exceed the total resources provided, including on an in-kind basis, from other donors: *Provided further*, That not more than seven percent of the amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SA 3722. Mr. FRIST (for Mr. HELMS (for himself, Mr. FRIST, Mr. KERRY, Mr. WARNER, Mr. DEWINE, Mr. SMITH of Oregon, and Mr. BIDEN)) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002,

and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

For an additional amount for the “Child Survival and Health Programs Fund”, \$500,000,000, to remain available until expended: *Provided*, That such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: *Provided further*, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: *Provided further*, That of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, may make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund: *Provided further*, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, shall not exceed the total resources provided, including on an in-kind basis, from other donors: *Provided further*, That not more than seven percent of the amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SA 3723. Mr. FRIST (for Mr. HELMS (for himself, Mr. FRIST, Mr. KERRY, Mr. WARNER, Mr. DEWINE, Mr. SMITH of Oregon, and Mr. BIDEN)) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

For an additional amount for the “Child Survival and Health Programs Fund”, \$500,000,000, to remain available until expended: *Provided*, That such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: *Provided further*, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: *Provided further*, That of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, may make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund: *Provided further*, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, shall not exceed the total resources provided, including on an in-kind basis, from other donors: *Provided further*, That not more than seven percent of the

amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SA 3724. Mr. FRIST (for Mr. HELMS (for himself, Mr. FRIST, Mr. KERRY, Mr. WARNER, Mr. DEWINE, Mr. SMITH of Oregon, and Mr. BIDEN)) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, strike lines 10 through 19, and insert the following:

For an additional amount for the "Child Survival and Health Programs Fund", \$500,000,000, to remain available until March 31, 2003: *Provided*, That such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: *Provided further*, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: *Provided further*, That of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, may make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund: *Provided further*, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, shall not exceed the total resources provided, including on an in-kind basis, from other donors: *Provided further*, That not more than seven percent of the amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SA 3725. Mr. FRIST (for Mr. HELMS (for himself, Mr. FRIST, Mr. KERRY, Mr. WARNER, Mr. DEWINE, Mr. SMITH of Oregon, and Mr. BIDEN)) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, making supplemental appropriations for the

fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, strike lines 10 through 19, and insert the following:

For an additional amount for the "Child Survival and Health Programs Fund", \$500,000,000, to remain available until expended: *Provided*, That such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: *Provided further*, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: *Provided further*, That of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, may make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund: *Provided further*, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, shall not exceed the total resources provided, including on an in-kind basis, from other donors: *Provided further*, That not more than seven percent of the amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SA 3726. Mr. DEWINE (for himself and Mr. CLELAND) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . DEDUCTION OF CERTAIN EXPENSES OF MEMBERS OF THE RESERVE COMPONENT.

(a) DEDUCTION ALLOWED.—Section 162 of the Internal Revenue Code of 1986 (relating to certain trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

"(p) TREATMENT OF EXPENSES OF MEMBERS OF RESERVE COMPONENT OF ARMED FORCES OF THE UNITED STATES.—For purposes of subsection (a), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business during any period for which such individual is away from home in connection with such service."

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ELECTS TO ITEMIZE.—Section 62(a)(2) of the Internal Revenue Code of 1986 (relating to certain trade and business de-

ductions of employees) is amended by adding at the end the following new subparagraph:

"(D) CERTAIN EXPENSES OF MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—The deductions allowed by section 162 which consist of expenses paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2002.

SEC. ____ . CREDIT FOR EMPLOYMENT OF RESERVE COMPONENT PERSONNEL.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45G. RESERVE COMPONENT EMPLOYMENT CREDIT.

"(a) GENERAL RULE.—For purposes of section 38, the reserve component employment credit determined under this section is an amount equal to the sum of—

"(1) the employment credit with respect to all qualified employees of the taxpayer, plus

"(2) the self-employment credit of a qualified self-employed taxpayer.

"(b) EMPLOYMENT CREDIT.—For purposes of this section—

"(1) IN GENERAL.—The employment credit with respect to a qualified employee of the taxpayer for any taxable year is equal to 50 percent of the amount of qualified compensation that would have been paid to the employee with respect to all periods during which the employee participates in qualified reserve component duty to the exclusion of normal employment duties, including time spent in a travel status had the employee not been participating in qualified reserve component duty. The employment credit, with respect to all qualified employees, is equal to the sum of the employment credits for each qualified employee under this subsection.

"(2) QUALIFIED COMPENSATION.—When used with respect to the compensation paid or that would have been paid to a qualified employee for any period during which the employee participates in qualified reserve component duty, the term 'qualified compensation' means compensation—

"(A) which is normally contingent on the employee's presence for work and which would be deductible from the taxpayer's gross income under section 162(a)(1) if the employee were present and receiving such compensation, and

"(B) which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and with respect to which the number of days the employee participates in qualified reserve component duty does not result in any reduction in the amount of vacation time, sick leave, or other nonspecific leave previously credited to or earned by the employee.

"(3) QUALIFIED EMPLOYEE.—The term 'qualified employee' means a person who—

"(A) has been an employee of the taxpayer for the 21-day period immediately preceding the period during which the employee participates in qualified reserve component duty, and

"(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as defined in sections 10142 and 10101 of title 10, United States Code.

"(c) SELF-EMPLOYMENT CREDIT.—

"(1) IN GENERAL.—The self-employment credit of a qualified self-employed taxpayer

for any taxable year is equal to 50 percent of the excess, if any, of—

“(A) the self-employed taxpayer’s average daily self-employment income for the taxable year over

“(B) the average daily military pay and allowances received by the taxpayer during the taxable year, while participating in qualified reserve component duty to the exclusion of the taxpayer’s normal self-employment duties for the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status.

“(2) AVERAGE DAILY SELF-EMPLOYMENT INCOME AND AVERAGE DAILY MILITARY PAY AND ALLOWANCES.—As used with respect to a self-employed taxpayer—

“(A) the term ‘average daily self-employment income’ means the self-employment income (as defined in section 1402) of the taxpayer for the taxable year divided by the difference between—

“(i) 365, and

“(ii) the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status, and

“(B) the term ‘average daily military pay and allowances’ means—

“(i) the amount paid to the taxpayer during the taxable year as military pay and allowances on account of the taxpayer’s participation in qualified reserve component duty, divided by

“(ii) the total number of days the taxpayer participates in qualified reserve component duty, including time spent in travel status.

“(3) QUALIFIED SELF-EMPLOYED TAXPAYER.—The term ‘qualified self-employed taxpayer’ means a taxpayer who—

“(A) has net earnings from self-employment (as defined in section 1402) for the taxable year, and

“(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States.

“(d) CREDIT IN ADDITION TO DEDUCTION.—The employment credit provided in this section is in addition to any deduction otherwise allowable with respect to compensation actually paid to a qualified employee during any period the employee participates in qualified reserve component duty to the exclusion of normal employment duties.

“(e) LIMITATIONS.—

“(1) MAXIMUM CREDIT.—

“(A) IN GENERAL.—The credit allowed by subsection (a) for the taxable year—

“(i) shall not exceed \$7,500 in the aggregate, and

“(ii) shall not exceed \$2,000 with respect to each qualified employee.

“(B) CONTROLLED GROUPS.—For purposes of applying the limitations in subparagraph (A)—

“(i) all members of a controlled group shall be treated as one taxpayer, and

“(ii) such limitations shall be allocated among the members of such group in such manner as the Secretary may prescribe.

For purposes of this subparagraph, all persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as members of a controlled group.

“(2) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

“(A) any taxable year in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with re-

spect to a violation of chapter 43 of such title, and

“(B) the two succeeding taxable years.

“(3) DISALLOWANCE WITH RESPECT TO PERSONS ORDERED TO ACTIVE DUTY FOR TRAINING.—No credit shall be allowed under subsection (a) to a taxpayer with respect to any period for which the person on whose behalf the credit would otherwise be allowable is called or ordered to active duty for any of the following types of duty:

“(A) active duty for training under any provision of title 10, United States Code,

“(B) training at encampments, maneuvers, outdoor target practice, or other exercises under chapter 5 of title 32, United States Code, or

“(C) full-time National Guard duty, as defined in section 101(d)(5) of title 10, United States Code.

“(f) GENERAL DEFINITIONS AND SPECIAL RULES.—

“(1) MILITARY PAY AND ALLOWANCES.—The term ‘military pay’ means pay as that term is defined in section 101(21) of title 37, United States Code, and the term ‘allowances’ means the allowances payable to a member of the Armed Forces of the United States under chapter 7 of that title.

“(2) QUALIFIED RESERVE COMPONENT DUTY.—The term ‘qualified reserve component duty’ includes only active duty performed, as designated in the reservist’s military orders, in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code.

“(3) NORMAL EMPLOYMENT AND SELF-EMPLOYMENT DUTIES.—A person shall be deemed to be participating in qualified reserve component duty to the exclusion of normal employment or self-employment duties if the person does not engage in or undertake any substantial activity related to the person’s normal employment or self-employment duties while participating in qualified reserve component duty unless in an authorized leave status or other authorized absence from military duties. If a person engages in or undertakes any substantial activity related to the person’s normal employment or self-employment duties at any time while participating in a period of qualified reserve component duty, unless during a period of authorized leave or other authorized absence from military duties, the person shall be deemed to have engaged in or undertaken such activity for the entire period of qualified reserve component duty.

“(4) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply for purposes of this section.”

(b) CONFORMING AMENDMENT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to general business credit) is amended—

(1) by striking “plus” at the end of paragraph (14),

(2) by striking the period at the end of paragraph (15) and inserting “, plus”, and

(3) by adding at the end the following new paragraph:

“(16) the reserve component employment credit determined under section 45G(a).”

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 45F the following new item:

“Sec. 45G. Reserve component employment credit.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SA 3727. Mr. KENNEDY submitted an amendment intended to be proposed by

him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In chapter 9 of title I, insert after the text relating to the Library of Congress the following:

OFFICE OF TECHNOLOGY ASSESSMENT

For necessary expenses of the Office of Technology Assessment, as authorized by section 12(a) of Public Law 92-484 (2 U.S.C. 481(a)), \$1,000,000, to be available for assessments of the technology requirements and priorities of the committees of Congress with respect to the war on terrorism and homeland security, with such assessments to be carried out in consultation with the committees of Congress and under the guidance of the Technology Assessment Board: *Provided*, That the amount appropriated by this paragraph shall remain available until expended: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3728. Mr. KENNEDY (for himself, Ms. COLLINS, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . EDUCATION FIRST.

(a) STATEMENT OF PURPOSE; FINDINGS.—

(1) STATEMENT OF PURPOSE.—It is the purpose of this section to dedicate a portion of unexpected, additional Federal resources to—

(A) assist disadvantaged children, teachers, and schools in meeting the additional academic challenges posed in the No Child Left Behind Act of 2001 (Public Law 107-110);

(B) provide for full funding of Federal financial commitment to children with disabilities and local communities as identified in the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

(C) ensure that every student with the talent, desire, and drive to pursue postsecondary training at a school of their choice is not inhibited by family financial need; and

(D) grow to 10 percent over time, the share of the Federal discretionary budget dedicated toward education.

(2) FINDINGS.—Congress finds the following:

(A) In fiscal year 2003, funding for the No Child Left Behind Act of 2001 (Public Law 107-110) is authorized at \$31,100,000,000. In fiscal year 2002, the No Child Left Behind Act of 2001 (Public Law 107-110) was funded at \$22,200,000,000. The Budget of the United States Government for Fiscal Year 2003, as submitted to Congress, proposes to fund the No Child Left Behind Act of 2001 (Public Law 107-110) at \$22,100,000,000.

(B) In 1975, the Federal Government promised to contribute to local communities 40 percent of the additional costs necessary to ensure that each child with a disability receives the free and appropriate public education to which they are entitled. The Budget of the United States Government for Fiscal Year 2003, as submitted to Congress, proposes that the Federal Government contribute only 17 percent of the additional costs associated with educating each child with a disability.

(C) The size of the maximum Federal Pell Grant is authorized to be \$5,800, but because

of insufficient funding, in fiscal year 2002, the maximum Federal Pell Grant was only \$4,000.

(D) In fiscal year 1946, the share of the Federal budget dedicated to education was 10.4 percent. In fiscal year 2002, the share of the Federal budget dedicated to education was 2.5 percent. On March 23, 1994, the United States Senate unanimously resolved to increase to 10 percent by 2004 the share of the Federal budget dedicated to education.

(b) ADJUSTMENT.—If the report provided pursuant to section 202(e) of the Congressional Budget Act of 1974 (2 U.S.C. 602(e)) (the budget and economic outlook: update (for fiscal years 2003 through 2012)), estimates on-budget Federal revenues for fiscal year 2002 through 2012 that exceed estimated on-budget Federal revenues set forth in the Congressional Budget Office's March 2002 budget and economic outlook for fiscal year 2003 (adjusted for the enactment of the Job Creation and Worker Assistance Act of 2002 (Public Law 107-147) and the Farm Security and Rural Investment Act of 2002 (Public Law 107-171)), then the Chairman of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate shall—

(1) in an amount equal to the increase in estimated on-budget Federal revenues for fiscal year 2003 that is not more than \$5,000,000,000, increase the amount of discretionary budget authority and outlays flowing therefrom allocated under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to carry out Function 500 education programs;

(2) in an amount equal to 20 percent of the increase in estimated on-budget Federal revenues for fiscal year 2003 that is remaining after subtracting the amount described in paragraph (1), increase the amount of discretionary budget authority and outlays flowing therefrom allocated under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to carry out Function 500 education programs; and

(3) in an amount equal to 80 percent of the increase in estimated on-budget Federal revenue for fiscal year 2003 that is remaining after subtracting the amount described in paragraph (1), reduce the deficit and level of publicly held debt in order to better secure the integrity of the Federal Old-Age and Survivors Insurance Trust Fund under section 201 of the Social Security Act (42 U.S.C. 401), unless there is a national emergency related to the war on terrorism.

(c) LIMITATION.—Amounts made available under subsection (a) shall—

(1) not exceed ½ of 1 percent of on-budget Federal revenues for fiscal year 2003; and

(2) supplement, and not supplant, amounts allocated under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)) and any other amounts used to carry out the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) for the previous fiscal year for which amounts are provided under this section.

(d) CONFORMING CHANGES.—The Chairman of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate shall make all necessary conforming changes to the functions and aggregates included in any applicable resolution as a result of adjustments under this section.

(e) NON-REDUCTION.—If the report described in subsection (b) estimates on-budget Federal revenues for fiscal year 2002 through 2012 that are less than estimated on-budget Federal revenues set forth in the Congressional Budget Office's March 2002 budget and eco-

nomical outlook for fiscal year 2003 (adjusted for the enactment of the Job Creation and Worker Assistance Act of 2002 (Public Law 107-147) and the Farm Security and Rural Investment Act of 2002 (Public Law 107-171)), then the amount of discretionary budget authority and outlays flowing therefrom allocated under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) that was dedicated in accordance with section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)) to carry out Function 500 education programs shall not be reduced.

(f) SENSE OF THE SENATE.—In each fiscal year after fiscal year 2003, if the report provided pursuant to section 202(e) of the Congressional Budget Act of 1974 (2 U.S.C. 602(e)) (the budget and economic outlook: update) estimates on-budget Federal revenues for that fiscal year that exceed estimated on-budget Federal revenues set forth in the Congressional Budget Office's spring budget and economic outlook for that fiscal year, it is the sense of the Senate that Congress should, in an amount equal to the amount and percentages described in subsection (b)—

(1) increase the amount of discretionary budget authority and outlays flowing therefrom allocated under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to carry out Function 500 education programs; and

(2) reduce the level of publicly held debt in order to better secure the integrity of the Federal Old-Age and Survivors Insurance Trust Fund under section 201 of the Social Security Act (42 U.S.C. 401).

SA 3729. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, beginning on line 13, strike "\$100,000,000" and all that follows through "Provided," on line 17 and insert the following: "500,000,000, to remain available until March 31, 2003, which may be made available as a United States contribution to the Global Fund to Combat AIDS, Tuberculosis, and Malaria: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*,".

SA 3730. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, beginning on line 13, strike "\$100,000,000" and all that follows through "Provided," on line 17 and insert the following: "700,000,000, to remain available until March 31, 2003, which may be made available as a United States contribution to the Global Fund to Combat AIDS, Tuberculosis, and Malaria: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*,".

SA 3731. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for

other purposes; which was ordered to lie on the table; as follows:

On page 55, beginning on line 13, strike "\$100,000,000" and all that follows through "Provided," on line 17 and insert the following: "600,000,000, to remain available until March 31, 2003, which may be made available as a United States contribution to the Global Fund to Combat AIDS, Tuberculosis, and Malaria: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*,".

SA 3732. Mr. DURBIN (for himself, Mr. SPECTER, Mr. LEAHY, Mr. DEWINE, Mr. KERRY, Mr. KENNEDY, Mrs. BOXER, Mr. SARBANES, Mrs. FEINSTEIN, Ms. MIKULSKI, Mrs. CLINTON, Mr. DODD, Mr. LIEBERMAN, Mr. TORRICELLI, Mr. LEVIN, Mr. SCHUMER, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, strike line 9 through 19 and insert the following:

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", \$700,000,000: *Provided*, That not less than \$200,000,000 of the funds appropriated under this heading shall be made available for a United States contribution to the Global Fund to Combat AIDS, Tuberculosis and Malaria: *Provided further*, That of the funds appropriated under this heading (other than funds allocated under the first proviso) \$100,000,000 shall be transferred to, and merged with, appropriations available under "DEPARTMENT OF HEALTH AND HUMAN SERVICES; CENTERS FOR DISEASE CONTROL AND PREVENTION" for activities related to the prevention, treatment, and control of, and research on, HIV/AIDS: *Provided further*, That the funds appropriated under this heading (other than funds allocated by the first proviso or transferred under the second proviso) shall be made available for child survival, maternal health, and other disease programs, including programs to combat tuberculosis, and for development activities to address the impact and consequences of HIV/AIDS: *Provided further*, That any funds allocated under the preceding proviso may be made available to increase the amount of the United States contribution to the Global Fund to Combat AIDS, Tuberculosis and Malaria made under the first proviso: *Provided further*, That funds appropriated under this heading may be made available notwithstanding section 10 of Public Law 91-672 or any other provision of law: *Provided further*, That, in addition to funds otherwise available for such purposes, not to exceed seven percent of the funds appropriated under this heading may be made available for administrative costs of the United States Government agencies in carrying out programs under this heading. *Provided further*, That the additional amount appropriated under this heading is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

SA 3733. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal

year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 2 and 3, insert the following:

Sec. 307. Of the amount available for fiscal year 2002 for the Army National Guard for operation and maintenance, \$2,200,000 shall be made available for the Army National Guard for information operations, information assurance operations, and training for such operations.

SA 3734. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

The Secretary of Transportation is directed to make \$300,000 of the funds appropriated for job access and reverse commute grants programs in Idaho, administered by the Federal Transit Administration, available to the State of Idaho for job training and support services in accordance with the provisions of 23 U.S.C. 140(b).

SA 3735. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Insert the following at the end of Title II:
SEC. 3001. GENERAL AVIATION INDUSTRY REPERATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President shall take the following actions to compensate general aviation entities for economic injuries incurred by such entities as a result of the terrorist attacks on the United States that occurred on September 11, 2001:

(1) Subject to such terms and conditions as the President deems necessary and subject to subsection (b), issue Federal credit instruments to such entities that do not, in the aggregate, exceed \$100,000,000 and provide the subsidy amounts necessary for such instruments in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(2) Compensate such entities in an aggregate amount equal to \$250,000,000 for direct losses incurred beginning on September 11, 2001 and ending December 19, 2001, by such entities as a result of any Federal ground stop order issued by the Secretary of Transportation or any subsequent order.

(b) LIMITATION ON AGGREGATE AMOUNT OF CREDIT INSTRUMENTS.—The aggregate amount of Federal credit instruments that may be issued under section 101(a)(1) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note; 115 Stat. 230) shall be reduced by the aggregate amount of Federal credit instruments issued under subsection (a)(1) of this section.

(c) DEADLINE FOR APPLICATIONS.—Not later than 14 days after the date of enactment of this Act, the President shall establish and publish in the Federal Register a deadline for the issuance of Federal credit instruments under this section and a deadline for the submission of applications for payments of compensation under this section.

SEC. 3002. STABILIZATION BOARD.

(a) FEDERAL CREDIT INSTRUMENTS.—

(1) OPERATING PLAN.—An obligor seeking issuance of a Federal credit instrument

under section 2(a)(1) shall submit to the Air Transportation Stabilization Board, established under section 102(b) of the Air Transportation Safety Stabilization Act (49 U.S.C. 40101 note; 115 Stat. 231), an operating plan (including budget and cash flow projections) and financial plan for the period of time that the instrument will be in effect. Such plans shall demonstrate to the satisfaction of the Board the ability of the obligor to continue operations as an ongoing general aviation entity during and after the period of time the instrument will be in effect.

(2) ISSUANCE.—The Board, in consultation with the Small Business Administration, may enter into agreements with 1 or more obligors to issue Federal credit instruments under section 2(a)(1) if the Board determines, in its discretion, that—

(A) the obligor is a general aviation entity for which credit is not reasonably available at the time of the transaction;

(B) the intended obligation by the obligor is prudently incurred;

(C) the obligor has furnished reasonable assurance that it will be able to repay all loans and other debt obligations covered by the Federal credit instrument in accordance with the terms of such loans and other obligations;

(D) the obligor intends to continue to operate as a general aviation entity, and the operating and financial plan submitted by the obligor under paragraph (1) satisfies the demonstration required by paragraph (1); and

(E) the type of aviation services or products (or both) provided by the obligor are an important part of a safe, efficient, and viable general aviation system.

(b) TERMS AND LIMITATIONS.—

(1) FORMS; TERMS AND CONDITIONS.—A Federal credit instrument shall be issued under section 2(a)(1) in such form and on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Board determines appropriate. The Board may issue a Federal credit instrument under section 2(a)(1) to pay all or part of any of the principal of and interest on a loan or other debt obligation issued to the obligor.

(2) PROCEDURES.—Not later than 14 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue regulations setting forth procedures for application and minimum requirements, which may be supplemented by the Board in its discretion, for the issuance of Federal credit instruments under section 2(a)(1).

(c) FINANCIAL PROTECTION OF GOVERNMENT.—

(1) IN GENERAL.—To the extent feasible and practicable, the Board shall ensure that the Government is compensated for the risk assumed in making guarantees under this Act.

(2) GOVERNMENT PARTICIPATION IN GAINS.—To the extent to which any participating entity accepts financial assistance, in the form of accepting the proceeds of any loans guaranteed by the Government under this Act, the Board is authorized to enter into contracts under which the Government, contingent on the financial success of the participating entity, would participate in the gains of the participating entity or its security holders through the use of such instruments as warrants, stock options, common or preferred stock, or other appropriate equity instruments.

(3) DEPOSIT IN TREASURY.—All amounts collected by the Government under this subsection shall be deposited in the Treasury as miscellaneous receipts.

SEC. 3003. SPECIAL RULES FOR COMPENSATION.

(a) LIMITATION ON AMOUNT OF COMPENSATION.—

(1) DOCUMENTATION.—Subject to subsection (b), the amount of compensation payable under section 2(a)(2) to a general aviation entity may not exceed the amount of losses described in such section that such entity demonstrates to the satisfaction of the President, using sworn financial statements or other appropriate data, that such entity incurred.

(2) AUDITS.—The Secretary of Transportation and the Comptroller General of the United States may audit statements referred to in paragraph (1) and may request any information that the Secretary and the Comptroller General deem necessary to conduct such audit.

(b) PRIORITY.—The President shall give priority for compensation under section 2(a)(2) to a general aviation entity—

(1) based on the length of time that the entity has been unable to operate as a result of the terrorist attacks on the United States that occurred on September 11, 2001; and

(2) if the entity is a small business concern (as defined under section 3 of the Small Business Administration Act (15 U.S.C. 632(a))).

(c) AMOUNT OF COMPENSATION.—In order to ensure that compensation provided under section 2(a)(2) is distributed equitably among general aviation entities that have substantiated losses described in section 2(a)(2), the President may provide compensation under section 2(a)(2) to a general aviation entity that is an amount less than the amount of losses incurred by the entity and substantiated by the entity as losses for which compensation may be made under section 2(a)(2).

(d) PAYMENTS.—The President may provide compensation under section 2(a)(2) to general aviation entities in 1 or more payments up to the amount authorized by this Act.

SEC. 3004. REPORT.

Not later than the 180th day following the date of enactment of this Act, the President shall transmit to the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on the Budget of the House of Representatives and the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on the Budget of the Senate a report on the amount of assistance provided under this Act to each general aviation entity and the financial status of such entity.

SEC. 3005. DEFINITIONS.

In this:

(1) FEDERAL CREDIT INSTRUMENT.—The term “Federal credit instrument” means by guarantee or other pledge by the Air Transportation Stabilization Board issued under section 2(a)(1) of this Act to pledge the full faith and credit of the United States to pay all or part of any of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

(2) GENERAL AVIATION ENTITY.—The term “general aviation entity” means any person (other than an air carrier or foreign air carrier) that—

(A) operates nonmilitary aircraft under part 91 of title 14, Code of Federal Regulations, for the purpose of conducting its primary business;

(B) manufacturing nonmilitary aircraft with a maximum seating capacity of fewer than 20 passengers or aircraft parts to be used in such aircraft;

(C) provides services necessary for nonmilitary operations under such part 91; or

(D) operates an airport, other than a primary airport (as such terms are defined in section 40102 of title 49, United States Code), that—

(i) is listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103 of such title; or

(ii) is normally open to the public, is located within the confines of enhanced class B airspace (as defined by the Federal Aviation Administration in Notice to Airmen FDC 1/0618), and was closed as a result of an order issued by the Federal Aviation Administration in the period beginning September 11, 2001, and ending January 1, 2002, and remained closed as a result of that order on January 1, 2002.

Such term includes fixed-based operators, flight schools, manufacturers of general aviation aircraft and products, persons engaged in nonscheduled aviation enterprises, and general aviation independent contractors.

On page 57 line 12, delete "700,000,000" and insert "450,000,000."

SA 3736. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 23, add the following:
SEC. 605.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Despite the removal of the Taliban from power, Afghan women continue to experience a violation of their human rights, generally outside of Kabul where warlords are re-exerting control.

(2) Strong and continued United States support can ensure that the advances made by Afghan women since the fall of the Taliban will continue and grow, rather than recede.

(3) The United States has made a substantial contribution to the emergency relief and humanitarian efforts for Afghanistan. Completing the United States mission in Afghanistan will also require significant and long-term investments in development and reconstruction assistance.

(4) The maternal mortality rate in Afghanistan is one of the highest in the world, with recent reports estimating that every 30 minutes an Afghan woman dies (about 15,000 women every year) of pregnancy-related causes. The estimated maternal mortality rate of 1,700 deaths per 100,000 live births can be significantly and rapidly reduced through access to primary health care services, including safe birthing supplies, emergency obstetric care, prenatal and postnatal care, contraception, and prevention and treatment for the effects of sexual coercion and rape.

(5) Women make up 75 percent or more of the refugees and internally displaced in camps, urban areas, and villages.

(6) Eighty-five percent of Afghanistan's population lives in rural areas. The women in rural areas perform vital roles in food production, processing, and preparation. Successful reconstruction and development assistance must target rural women as part of any agricultural intervention.

(7) Within Afghanistan and outside of Afghanistan, local women's organizations are delivering critical services and have the knowledge and experience to assist the United States in delivering effective relief aid.

(8) The Afghan Ministry for Women's Affairs is an important new ministry that is essential for reestablishing women's human rights, ensuring that women are included in all development efforts, and delivering critical legal, health, education, and economic services to women throughout Afghanistan's 30 provinces.

(9) Afghan women are taking the initiative to reach across the conflict divide and foster

peace. Women's perspectives and experiences in seeking solutions to conflicts are necessary to ensure lasting peace.

(10) Adequate security in both urban and rural areas is essential if women and girls are to exercise their human rights, work, attend school, and otherwise participate in and benefit from humanitarian and development programs sponsored by the United States.

(b) **ALLOCATION OF FUNDS.**—Of the amounts appropriated by this chapter under the heading "Bilateral Economic Assistance", funds should be used for, but not limited to, the following:

(1) Financial and programmatic support of Afghan women's organizations operating in the United States, Pakistan, and Afghanistan to deliver services to women, lead reconstruction efforts, and build the capacities of nascent nongovernmental organizations.

(2) An increase in women's access to and ownership of productive assets such as land, water, agricultural inputs, microfinance, and property.

(3) A provision of financial assistance to build health infrastructure and to deliver women-centered health programs, particularly maternal, reproductive, and mental health care;

(4) The maintenance of a strong financial commitment to developing the education and training systems of Afghanistan.

(5) The ensurance that female refugees and internally displaced persons can return to their homes voluntarily, safely, and with the protection for their human rights.

(6) Combating and preventing trafficking in persons and assisting victims.

(7) Emphasizing the importance of upholding human rights and women's rights in particular, in training for the Afghan army and police force.

SA 3737. Mr. ENZI (for himself, Mr. GRASSLEY, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, between lines 12 and 13, insert the following:

SEC. 102. LIVESTOCK ASSISTANCE PROGRAM.

(a) **IN GENERAL.**—The Secretary of Agriculture shall use \$500,000,000 of the funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2001 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001, of which \$12,000,000 shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

(b) **ADMINISTRATION.**—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105-277; 114 Stat. 1549A-51).

(c) **PAYMENT LIMITATIONS.**—Section 1001 of the Food Security of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (b), by striking "\$40,000" each place it appears and inserting "\$17,500";

(2) in subsection (c), by striking "\$65,000" each place it appears and inserting "\$32,500"; and

(3) by adding at the end the following:

"(e) **LIMITATIONS ON MARKETING LOAN GAINS, LOAN DEFICIENCY PAYMENTS, AND COMMODITY CERTIFICATE TRANSACTIONS.**—

"(1) **LOAN COMMODITIES.**—The total amount of the following gains and payments that a person may receive during any crop year may not exceed \$90,000:

"(A)(i) Any gain realized by a producer from repaying a marketing assistance loan for 1 or more loan commodities under subtitle B of title I of the Farm Security and Rural Investment Act of 2002 at a lower level than the original loan rate established for the loan commodity under that subtitle.

"(ii) In the case of settlement of a marketing assistance loan for 1 or more loan commodities under that subtitle by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

"(B) Any loan deficiency payments received for 1 or more loan commodities under that subtitle.

"(C) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for 1 or more loan commodities, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under that subtitle.

"(2) **OTHER COMMODITIES.**—The total amount of the following gains and payments that a person may receive during any crop year may not exceed \$90,000:

"(A)(i) Any gain realized by a producer from repaying a marketing assistance loan for peanuts, wool, mohair, or honey under subtitle B or C of title I of the Farm Security and Rural Investment Act of 2002 at a lower level than the original loan rate established for the commodity under those subtitles.

"(ii) In the case of settlement of a marketing assistance loan for peanuts, wool, mohair, or honey under those subtitles by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

"(B) Any loan deficiency payments received for peanuts, wool, mohair, and honey under those subtitles.

"(C) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for peanuts, wool, mohair, and honey, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under those subtitles.

"(f) **SINGLE FARMING OPERATION.**—Notwithstanding subsections (b) through (e), if an individual participates only in a single farming operation and receives, directly or indirectly, any payment or gain covered by this section through the operation, the total amount of payments or gains (as applicable) covered by this section that the individual may receive during any crop year may not exceed twice the dollar amount prescribed in this section."

SA 3738. Mr. ENZI (for himself, Mr. GRASSLEY, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, between lines 12 and 13, insert the following:

SEC. 102. LIVESTOCK ASSISTANCE PROGRAM.

(a) **IN GENERAL.**—The Secretary of Agriculture shall use \$500,000,000 of the funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2001 losses in a county that has received an emergency designation by

the President or the Secretary after January 1, 2001, of which \$12,000,000 shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105-277; 114 Stat. 1549A-51).

(c) PAYMENT LIMITATIONS.—Section 1001 of the Food Security of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (b), by striking “\$40,000” each place it appears and inserting “\$17,500”;

(2) in subsection (c), by striking “\$65,000” each place it appears and inserting “\$32,500”;

and

(3) by adding at the end the following:

“(e) LIMITATIONS ON MARKETING LOAN GAINS, LOAN DEFICIENCY PAYMENTS, AND COMMODITY CERTIFICATE TRANSACTIONS.—

“(1) LOAN COMMODITIES.—The total amount of the following gains and payments that a person may receive during any crop year may not exceed \$90,000:

“(A)(i) Any gain realized by a producer from repaying a marketing assistance loan for 1 or more loan commodities under subtitle B of title I of the Farm Security and Rural Investment Act of 2002 at a lower level than the original loan rate established for the loan commodity under that subtitle.

“(ii) In the case of settlement of a marketing assistance loan for 1 or more loan commodities under that subtitle by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

“(B) Any loan deficiency payments received for 1 or more loan commodities under that subtitle.

“(C) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for 1 or more loan commodities, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under that subtitle.

“(2) OTHER COMMODITIES.—The total amount of the following gains and payments that a person may receive during any crop year may not exceed \$90,000:

“(A)(i) Any gain realized by a producer from repaying a marketing assistance loan for peanuts, wool, mohair, or honey under subtitle B or C of title I of the Farm Security and Rural Investment Act of 2002 at a lower level than the original loan rate established for the commodity under those subtitles.

“(ii) In the case of settlement of a marketing assistance loan for peanuts, wool, mohair, or honey under those subtitles by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

“(B) Any loan deficiency payments received for peanuts, wool, mohair, and honey under those subtitles.

“(C) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for peanuts, wool, mohair, and honey, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under those subtitles.

“(f) SINGLE FARMING OPERATION.—Notwithstanding subsections (b) through (e), if an individual participates only in a single farming operation and receives, directly or indi-

rectly, any payment or gain covered by this section through the operation, the total amount of payments or gains (as applicable) covered by this section that the individual may receive during any crop year may not exceed twice the dollar amount prescribed in this section.”.

SA 3739. Ms. LANDRIEU (for herself and Mr. BREAUX) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 5, before the colon, insert the following: “, of which not less than \$1,300,000 shall be used for emergency watershed protection in Lincoln Parish, Louisiana”.

SA 3740. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 2 and 3, insert the following:

SEC. 307. That portion of the former Charleston, South Carolina, Naval Base (including all associated improvements and fixtures) on which is situated a law enforcement training facility for the Department of Justice shall not be transferred to, or transferred for the direct or indirect use or benefit of, the State of South Carolina or any locality or subdivision thereof.

SA 3741. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of Chapter 1 of title I add the following:

SEC. 1. MILK VENDING MACHINE PILOT PROGRAM.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall use fiscal year 2002 funds of the Agriculture Marketing Service to, in consultation with appropriate State agencies, establish a pilot program to make available to students in public schools milk vending machines, and to demonstrate and evaluate their effect on student performance and nutrition.

(b) IN GENERAL.—The Secretary of Agriculture shall promulgate such regulations as necessary to carry out this program.

(c) FUNDING.—The Secretary of Agriculture shall use \$40,000,000 of the funds listed in paragraph (a).

SA 3742. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, line 10, insert after the semicolon the following: “*Provided further*, That community disaster loans to New York City related to the revenue loss resulting from the disaster on September 11, 2001, author-

ized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), shall not exceed \$650,000,000.”.

SA 3743. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, line 10, insert after the semicolon the following: “*Provided further*, That community disaster loans to New York City related to the revenue loss resulting from the disaster on September 11, 2001, authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), shall not exceed \$650,000,000: *Provided further*, That if the revenues of New York City during the 3-year period beginning on September 11, 2001 are insufficient to meet the operating budget of New York City, including additional expenses relating to the disaster on September 11, 2001, the Federal Emergency Management Agency is authorized to use alternative methods of conversion for the community disaster loans to New York City related to the revenue loss resulting from the disaster on September 11, 2001:”.

SA 3744. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7 after line 12, insert the following:

“SEC. . Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance for projects in the Embarras River Basin, Lake County Watersheds, and DuPage County, Illinois, totaling \$3,750,000 from funds appropriated for the Watershed and Flood Prevention Operations program by Public Law 107-76.”

SA 3745. Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 96, line 14, after “*Provided*,” insert the following: “That, notwithstanding any other provision of law, of the amounts provided under this head, not more than \$5,000,000 may be made available to compensate Suburban Airport in Laurel, Maryland, Freeway Airport in Bowie, Maryland, Maryland Airport in Indian Head, Maryland, College Park Airport in College Park, Maryland, Potomac Airpark in Ft. Washington, Maryland, and Washington Executive/Hyde Field in Clinton, Maryland, and the providers of general aviation services (such as aircraft rental, flight training, repair and other fixed base services) that are located at such airports for losses of incomes and revenues resulting from the airspace closures that occurred due to the September 11, 2001, terrorist attacks on the United States: *Provided further*, ”.

SA 3746. Mr. BINGAMAN submitted an amendment intended to be proposed

by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 3 of title I, add the following:

SEC. 307. Of the amount available under this chapter for the Defense Emergency Response Fund, \$5,000,000 shall be available for the Army National Guard in support of Weapons of Mass Destruction Civil Support Teams (WMD-CSTs) for training of individual team members, unit and team training, simulation-based command and control training, scenario-based exercises, and sustainment training all within a facility at Kirtland Air Force Base, New Mexico, dedicated for such purposes.

SA 3747. Mr. GRAHAM (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, after line 12 insert the following:

SALARIES AND EXPENSES, UNITED STATES
MARSHALS SERVICE

For an additional amount under this heading for hiring 200 additional Deputy United States Marshals for protection of the judicial process in response to the terrorist attacks of September 11, 2001 to be deployed to the Federal districts with critical courtroom and prisoner security needs, \$19,967,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3748. Mr. GRAHAM (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 57, line 12 strike "\$700,000,000" and replace with "\$680,033,000."

On page 9, after line 12 insert the following:

SALARIES AND EXPENSES, UNITED STATES
MARSHALS SERVICE

For an additional amount under this heading for hiring 200 additional Deputy United States Marshals for protection of the judicial process in response to the terrorist attacks of September 11, 2001 to be deployed to the Federal districts with critical courtroom and prisoner security needs, \$19,967,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3749. Mr. GRAHAM (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, line 5 strike "\$4,702,525,000" and replace with "\$4,682,558,000".

On page 9, after line 12 insert the following:

SALARIES AND EXPENSES, UNITED STATES
MARSHALS SERVICE

For an additional amount under this heading for hiring 200 additional Deputy United States Marshals for protection of the judicial process in response to the terrorist attacks of September 11, 2001 to be deployed to the Federal districts with critical courtroom and prisoner security needs, \$19,967,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3750. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terrorist Response Tax Exemption Act".

SEC. 2. EXCLUSION OF CERTAIN TERRORIST ATTACK ZONE COMPENSATION OF CIVILIAN UNIFORMED PERSONNEL.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting after section 112 the following new section:

"SEC. 112A. CERTAIN TERRORIST ATTACK ZONE COMPENSATION OF CIVILIAN UNIFORMED PERSONNEL.

"(a) IN GENERAL.—Gross income does not include compensation received by a civilian uniformed employee for any month during any part of which such employee provides security, safety, fire management, or medical services in a terrorist attack zone.

"(b) DEFINITIONS.—For purposes of this section—

"(1) CIVILIAN UNIFORMED EMPLOYEE.—The term 'civilian uniformed employee' means any nonmilitary individual employed by a Federal, State, or local government (or any agency or instrumentality thereof) for the purpose of maintaining public order, establishing and maintaining public safety, or responding to medical emergencies.

"(2) TERRORIST ATTACK ZONE.—The term 'terrorist attack zone' means any area designated by the President or any applicable State or local authority (as determined by the Secretary) to be an area in which occurred a violent act or acts which—

"(A) were dangerous to human life and a violation of the criminal laws of the United States or of any State, and

"(B) would appear to be intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation, or affect the conduct of a government by assassination or kidnapping.

"(3) COMPENSATION.—The term 'compensation' does not include pensions and retirement pay."

(b) CONFORMING AMENDMENTS.—

(1) Section 3401(a)(1) of the Internal Revenue Code of 1986 is amended by inserting "or section 112A (relating to certain terrorist attack zone compensation of civilian uniformed personnel)" after "United States".

(2) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 112 the following new item:

"Sec. 112A. Certain terrorist attack zone compensation of civilian uniformed personnel."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

SA 3751. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 101, after line 23, insert the following:

SEC. 1008. The President may make Federal credit instruments available under section 101(a)(1) of the Air Transportation Safety and System Stabilization Act to general aviation on the same terms and conditions as such instruments are made available to air carriers under that section, or on appropriately modified terms and conditions, except that such instruments made available to general aviation may not exceed 5 percent of the total amount available under that section.

SA 3752. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 4 through 15.
On page 2, strike lines 24 through 26.
Beginning on page 14, strike line 22 and all that follows through page 15, line 9.
Beginning on page 48, strike line 18 and all that follows through page 49, line 6.
Beginning on page 70, strike line 3 and all that follows through page 71, line 15.
On page 72, strike lines 1 through 13.
On page 73, strike lines 1 through 11.
On page 97, strike lines 13 through 19.
Beginning on page 98, strike line 16 and all that follows through page 99, line 2.

SA 3753. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 3, strike line 18 and all that follows through page 4, line 21.
On page 97, strike lines 13 through 19.

SA 3754. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, strike lines 20 through 24.

SA 3755. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —. ESTABLISHING A SINGLE STANDARDIZED AMOUNT UNDER MEDICARE INPATIENT HOSPITAL PPS.

(a) IN GENERAL.—Section 1886(d)(3)(A) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(A)) is amended—

(1) in clause (iv), by inserting “and ending on or before September 30, 2002,” after “October 1, 1995.”; and

(2) by redesignating clauses (v) and (vi) as clauses (vii) and (viii), respectively, and inserting after clause (iv) the following new clauses:

“(v) For discharges occurring in the fiscal year beginning on October 1, 2002, the average standardized amount for hospitals located in areas other than a large urban area shall be equal to the average standardized amount for hospitals located in a large urban area.

“(vi) For discharges occurring in a fiscal year beginning on or after October 1, 2003, the Secretary shall compute an average standardized amount for hospitals located in all areas within the United States equal to the average standardized amount computed under clause (v) or this clause for the previous fiscal year increased by the applicable percentage increase under subsection (b)(3)(B)(i) for the fiscal year involved.”.

(b) CONFORMING AMENDMENTS.—

(1) UPDATE FACTOR.—Section 1886(b)(3)(B)(i)(XVII) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(i)(XVII)) is amended by striking “for hospitals in all areas,” and inserting “for hospitals located in a large urban area.”.

(2) COMPUTING DRG-SPECIFIC RATES.—

(A) IN GENERAL.—Section 1886(d)(3)(D) of such Act (42 U.S.C. 1395ww(d)(3)(D)) is amended—

(i) in the heading by striking “IN DIFFERENT AREAS”;

(ii) in the matter preceding clause (i)—

(I) by inserting “for fiscal years before fiscal year 1997” before “a regional DRG prospective payment rate for each region.”; and

(II) by striking “each of which is”;

(iii) in clause (i)—

(I) by inserting “for fiscal years before fiscal year 2003,” after “(i).”; and

(II) by striking “and” at the end;

(iv) in clause (ii)—

(I) by inserting “for fiscal years before fiscal year 2003,” after “(ii).”; and

(II) by striking the period at the end and inserting “; and”;

(v) by adding at the end the following new clause:

“(iii) for a fiscal year beginning after fiscal year 2002, for hospitals located in all areas, to the product of—

“(I) the applicable average standardized amount (computed under subparagraph (A)), reduced under subparagraph (B), and adjusted or reduced under subparagraph (C) for the fiscal year; and

“(II) the weighting factor (determined under paragraph (4)(B)) for that diagnosis-related group.”.

(B) TECHNICAL CONFORMING SUNSET.—Section 1886(d)(3) of such Act (42 U.S.C. 1395ww(d)(3)) is amended in the matter preceding subparagraph (A) by inserting “for fiscal years before fiscal year 1997” before “a regional DRG prospective payment rate”.

SEC. ____ FLOOR ON AREA WAGE ADJUSTMENT FACTORS USED UNDER MEDICARE PPS FOR INPATIENT AND OUTPATIENT HOSPITAL SERVICES.

(a) INPATIENT PPS.—Section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)) is amended—

(1) by inserting “(i) IN GENERAL.—” before “The Secretary”, and adjusting the margin two ems to the right;

(2) by striking “The Secretary” and inserting “Subject to clause (ii), the Secretary”;

(3) by adding at the end the following new clause:

“(ii) FLOOR ON AREA WAGE ADJUSTMENT FACTOR.—Notwithstanding clause (i), in determining payments under this subsection for

discharges occurring on or after October 1, 2002, the Secretary shall substitute a factor of .925 for any factor that would otherwise apply under such clause that is less than .925. Nothing in this clause shall be construed as authorizing—

“(I) the application of the last sentence of clause (i) to any substitution made pursuant to this clause, or

“(II) the application of the preceding sentence of this clause to adjustments for area wage levels made under other payment systems established under this title (other than the payment system under section 1833(t)) to which the factors established under clause (i) apply.”.

(b) OUTPATIENT PPS.—Section 1833(t)(2) of the Social Security Act (42 U.S.C. 1395l(t)(2)) is amended by adding at the end the following: “For purposes of subparagraph (D) for items and services furnished on or after October 1, 2002, if the factors established under clause (i) of section 1886(d)(3)(E) are used to adjust for relative differences in labor and labor-related costs under the payment system established under this subsection, the provisions of clause (ii) of such section (relating to a floor on area wage adjustment factor) shall apply to such factors, as used in this subsection, in the same manner and to the same extent (including waiving the applicability of the requirement for such floor to be applied in a budget neutral manner) as they apply to factors under section 1886.”.

SA 3756. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 2 of title I, add the following:

SEC. 210. (a) APPROPRIATION FOR GULF STATES INITIATIVE.—(1) There is hereby appropriated \$12,000,000 for the Gulf States Initiative.

(2) The amount appropriated by paragraph (1) is in addition to any other amounts appropriated by this Act for the Gulf States Initiative.

(b) AVAILABILITY FOR COUNTER-DRUG AND COUNTER-TERRORISM OPERATIONS.—Of the amount appropriated by this Act for the Gulf States Initiative, as increased (if at all) by subsection (a), \$12,000,000 shall be available under that Initiative for counter-drug and counter-terrorism operations.

(c) OFFSET.—(1) The amount appropriated by chapter 6 of title I under the heading “FOREIGN MILITARY FINANCING PROGRAM” is hereby reduced by \$6,000,000.

(2) The amount appropriated by chapter 6 of title I under the heading “INTERNATIONAL DISASTER ASSISTANCE” and available for humanitarian, refugee, and reconstruction assistance for the West Bank and Gaza is hereby reduced by \$6,000,000.

SA 3757. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____ CONTAMINATED SEAFOOD.

(a) IN GENERAL.—Section 801 of the Federal Food, Drugs, and Cosmetic Act (21 U.S.C. 381) is amended by—

(1) redesignating subsections (b) through (g) as subsections (c) through (h), respectively; and

(2) inserting after subsection (a) the following:

“(b) CONTAMINATED SEAFOOD.—

“(1) REFUSAL OF ENTRY.—The Secretary of Health and Human Services shall issue an order refusing admission into the United States of all imports of seafood originating from a country or exporter if it appears that shipments of such seafood are likely to contain 1 or more compounds listed in section 530.41(a) of title 21, Code of Federal Regulations. The Secretary may consider—

“(A) the detection of such compounds by the Secretary;

“(B) the detection of such compounds by a person commissioned to carry out examinations and investigations under section 702(a) of this Act;

“(C) the detection by other importing countries of such compounds in shipments of seafood that originate from such country or exporter; or

“(D) other evidence or information as determined by the Secretary.”

“(2) ALLOWANCE OF INDIVIDUAL SHIPMENTS FROM EXPORTING COUNTRY OR EXPORTER.—Notwithstanding an order under paragraph (1) with respect to seafood originating from a country or exporter, the Secretary may permit individual shipments of seafood originating in that country or from that exporter to be admitted into the United States if the exporter or importer presents evidence acceptable to the Secretary that a shipment does not contain a compound listed in section 530.41(a) of title 21, Code of Federal Regulations.

“(3) CANCELLATION OF ORDER.—The Secretary may cancel an order under paragraph (1) with respect to seafood exported from a country or exporter if—

“(A) the country or exporter has shown to the satisfaction of the Secretary that the compound at issue is no longer sold for use, or being used, in food-producing animals in the country in which the seafood originated; or

“(B) all shipments into the United States under paragraph (2) of seafood originating in that country or from that exporter more than 1 year after the date on which the Secretary issued the order have been found, under the procedures described in paragraph (2), not to contain such a compound.

(b) CONFORMING AMENDMENTS.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381), as amended by subsection (a), is amended by—

(1) striking “subsection (b)” in subsection (a) and inserting “subsection (c).”; and

(2) striking “subsection (b)” in subsection (d) and inserting “subsection (c).”; and

(3) striking “subsection (e)” in subsection (g)(1) and inserting “subsection (f).”; and

(4) striking “section 801(a)” in subsection (h)(1)(A)(i) and inserting “subsection (a) of this section”;

(5) striking “section 801(a)” in subsection (h)(1)(A)(ii) and inserting “subsection (a) of this section”; and

(6) striking “section 801(d)(1).” in subsection (h)(1)(A)(iii) and inserting “subsection (d)(1) of this section.”

SA 3758. Mr. MILLER submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) The Senate finds that—

(1) S. 2551, the Senate’s fiscal year 2002 supplemental bill, was scored at \$30,900,000,000 or approximately \$3,800,000,000 over the President’s request of \$27,100,000,000;

(2) there is a general acknowledgement that a short-term budget deficit may be necessary to provide the appropriate resources to fight the war on terrorism, it is in our best interest to balance the Federal budget as quickly as possible;

(3) the Senate may approve additional resources in this bill over the President's request, these additional funds should be considered in conjunction with the fiscal year 2003 appropriations process and this consideration would promote fiscal discipline and eventual solvency; and

(4) the bill recognizes the need to fund emergency homeland requirements, at the same time the impact of this supplemental appropriations bill on domestic spending and our budget deficit should also be recognized.

(b) It is the sense of the Senate that the fiscal year 2003 appropriations bills should be lowered by the amount determined by CBO that any fiscal year 2002 supplemental enacted in fiscal year 2002 is over the President's proposed \$27,100,000,000 request for the supplemental appropriations bill.

SA 3759. Mr. HATCH (for himself, Ms. MIKULSKI, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 104, insert between lines 23 and 24 the following:

PROCEEDS OF CONSENT DECREE FOR FACILITY

For the General Services Administration, for planning, building, and equipping the Food and Drug Administration consolidated campus in White Oak, Maryland, an amount equal to all amounts deposited in the United States Treasury before, on, or after the date of enactment of this Act under the consent decree entered pursuant to United States v. Schering Plough Corp. et. al.; number c. 02397 (JAP), signed on May 20, 2002, not to exceed \$675,000,000, to remain available until expended.

SA 3760. Mr. REID (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 7, strike "\$10,000,000" and all that follows through the period and insert the following: "\$20,000,000, to be derived from amounts made available for this purpose in Public Law 107-77 and Public Law 107-117: *Provided further*, That of the funds appropriated under this heading, \$10,000,000 shall be made available to accelerate the collection of publicly available personal information on individuals from nations known to harbor or sponsor terrorists: *Provided further*, That the percentage specified in section 16(d)(2) of the Victims of Violent Crime Compensation Act of 1996, as amended by this Act, shall be deemed to be 10 percent in lieu of 50 percent."

SA 3761. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 12, after "\$000,000," insert: "of which \$2,100,000 shall be used to develop

the curriculum, purchase training materials and equipment, and pay instructor salaries to train, in the State of Utah, at the Inter-Mountain Western Regional Training Center, 400 law enforcement first responders from across the United States as the initial part of a "Train the Trainer" program to combat terrorism."

SA 3762. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

PARKING APRON REPAIR

Of the amounts available in Public Law 107-117 under the heading "Operation and Maintenance, Air Force," an additional \$5,700,000 shall be available for completion of emergency repairs to the main parking apron (C-Ramp) at Grand Forks AFB, North Dakota, and shall remain available until expended.

SA 3763. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . BUDGET ENFORCEMENT.

(a) EXTENSION OF BUDGET ENFORCEMENT POINTS OF ORDER.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

- (1) in subsection (c)(2)—
 - (A) by inserting "and" before "312(b)" and by striking " , and 312(c)"; and
 - (B) by striking "258C(a)(5)"; and
- (2) in subsection (d)(3)—
 - (A) by inserting "and" before "312(b)" and by striking " , and 312(c)"; and
 - (B) by striking "258C(a)(5)"; and
- (3) in subsection (e), by striking "2002" and inserting "2007".

(b) EXTENSION OF BUDGET ENFORCEMENT ACT PROVISIONS.—

(1) IN GENERAL.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended to read as follows:

"(b) EXPIRATION.—Sections 251 and 258B of this Act and sections 1105(f) and 1106(c) of title 31, United States Code, shall expire September 30, 2007. The remaining sections of part C of this title shall expire on September 30, 2011."

(2) STRIKING EXPIRED PROVISIONS.—

(A) BBA.—The Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is amended by striking section 253.

(B) CONGRESSIONAL BUDGET ACT.—The Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) is amended—

- (i) in section 312, by striking subsection (c); and
- (ii) in section 314—
 - (I) in subsection (b), by striking paragraphs (2) through (5) and redesignating paragraph (6) as paragraph (2); and
 - (II) by striking subsection (e).

(c) EXTENSION OF DISCRETIONARY CAPS.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended

- (1) in the matter before subparagraph (A), by striking "2002" and inserting "2007";
- (2) by striking subparagraphs (C), (D), (E), and (F); and

(3) by redesignating subparagraph (G) as subparagraph (C).

(d) EXTENSION OF PAY-AS-YOU-GO.—

(1) ENFORCEMENT.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) is amended—

- (A) in subsection (a), by striking "2002" and inserting "2007"; and
- (B) in subsection (b), by striking "2002" and inserting "2007".

(2) PAY-AS-YOU-GO RULE IN THE SENATE.—

(A) IN GENERAL.—Section 207 of House Concurrent Resolution 68 (106th Congress) is amended—

- (i) in subsection (b)—
 - (I) in paragraph (1), by inserting after "would" the following: "decrease the on-budget surplus,"; and
 - (II) in paragraph (6), by striking all after the dash and inserting "If direct spending or revenue legislation decreases the on-budget surplus, increases the on-budget deficit, or causes an on-budget deficit when taken individually, then it must also decrease the on-budget surplus, increase the on-budget deficit, or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A)."; and
- (ii) in subsection (g), by striking "2002" and inserting "2007".

(B) SENATE PAY-AS-YOU-GO ADJUSTMENT.—For purposes of Senate enforcement of section 207 of House Concurrent Resolution 68 (106th Congress), upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall adjust balances of direct spending and receipts for all fiscal years to zero.

(3) PAY-AS-YOU-GO ENFORCEMENT DURING ON-BUDGET SURPLUS.—If, prior to September 30, 2007, the Final Monthly Treasury Statement for any of fiscal years 2002 through 2006 reports an on-budget surplus, section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) shall expire at the end of the subsequent fiscal year, and the President, in the next budget, shall submit to Congress a recommendation for pay-as-you-go enforcement procedures that the president believes are appropriate when there is an on-budget surplus.

SA 3764. Mr. DASCHLE (for himself and Mr. CONRAD) proposed an amendment to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . . . BUDGET ENFORCEMENT.

(a) EXTENSION OF BUDGET ENFORCEMENT POINTS OF ORDER.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

- (1) in subsection (c)(2)—
 - (A) by inserting "and" before "312(b)" and by striking " , and 312(c)"; and
 - (B) by striking "258C(a)(5)"; and
- (2) in subsection (d)(3)—
 - (A) by inserting "and" before "312(b)" and by striking " , and 312(c)"; and
 - (B) by striking "258C(a)(5)"; and
- (3) in subsection (e), by striking "2002" and inserting "2007".

(b) EXTENSION OF BUDGET ENFORCEMENT ACT PROVISIONS.—

(1) IN GENERAL.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended to read as follows:

"(b) EXPIRATION.—Sections 251 and 258B of this Act and sections 1105(f) and 1106(c) of title 31, United States Code, shall expire September 30, 2007. The remaining sections of

part C of this title shall expire on September 30, 2011.”

(2) STRIKING EXPIRED PROVISIONS.—

(A) BBA.—The Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is amended by striking section 253.

(B) CONGRESSIONAL BUDGET ACT.—The Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) is amended—

(i) in section 312, by striking subsection (c); and

(ii) in section 314—

(I) in subsection (b), by striking paragraphs (2) through (5) and redesignating paragraph (6) as paragraph (2); and

(II) by striking subsection (e).

(C) EXTENSION OF DISCRETIONARY CAPS.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended

(1) in the matter before subparagraph (A), by striking “2002” and inserting “2007”;

(2) by striking subparagraphs (C), (D), (E), and (F); and

(3) by redesignating subparagraph (G) as subparagraph (C).

(d) EXTENSION OF PAY-AS-YOU-GO.—

(1) ENFORCEMENT.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) is amended—

(A) in subsection (a), by striking “2002” and inserting “2007”; and

(B) in subsection (b), by striking “2002” and inserting “2007”.

(2) PAY-AS-YOU-GO RULE IN THE SENATE.—

(A) IN GENERAL.—Section 207 of House Concurrent Resolution 68 (106th Congress) is amended in subsection (g), by striking “2002” and inserting “2007”.

(B) SENATE PAY-AS-YOU-GO ADJUSTMENT.—For purposes of Senate enforcement of section 207 of House Concurrent Resolution 68 (106th Congress), upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall adjust balances of direct spending and receipts for all fiscal years to zero.

(3) PAY-AS-YOU-GO ENFORCEMENT DURING ON-BUDGET SURPLUS.—If, prior to September 30, 2007, the Final Monthly Treasury Statement for any of fiscal years 2002 through 2006 reports an on-budget surplus, section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) shall expire at the end of the subsequent fiscal year, and the President, in the next budget, shall submit to Congress a recommendation for pay-as-you-go enforcement procedures that the president believes are appropriate when there is an on-budget surplus.

SA 3765. Mr. SANTORUM proposed an amendment to amendment SA 3764 proposed by Mr. DASCHLE (for himself and Mr. CONRAD) to the bill (H.R. 4775) making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of the amendment add the following:

SEC. . The provisions of S. Con. Res. 100 (107th Congress) as reported by the Committee on the Budget and placed on the calendar is adopted by the Senate and the House of Representatives as the concurrent resolution on the budget for fiscal year 2003 in accordance with section 301 of the Congressional Budget Act of 1974.

SA 3766. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 4755, to designate the facility of the United States Postal Service located at 204 south Broad Street in Lancaster, Ohio, as the “Clarence Miller Post Office Building”;

which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

The \$300,000 made available to the State of Idaho under the matter under the heading “JOB ACCESS AND REVERSE COMMUTE GRANTS” under the heading “FEDERAL TRANSIT ADMINISTRATION” in title I of the Department of Transportation and Related Agencies Appropriations Act, 2002 (Public Law 107-87; 115 Stat. 852), shall be deemed to have been made available to the State of Idaho to carry out a job training and supportive services program under section 140(b) of title 23, United States Code.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday June 5, 2002, at 10 a.m. to conduct a hearing, entitled “Nuclear Security,” to receive testimony concerning S. 1586, “a bill to amend the Atomic Energy Act of 1954 to authorize the carrying of firearms by employees of licensees, and for other purposes” and S. 1746, “a bill to amend the Atomic Energy Act of 1974 to strengthen security at sensitive nuclear facilities.”

The hearing will be held in SD-406.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 5, 2002 at 10 a.m. to hold a hearing on Cuba.

Agenda

Witness: The Honorable Carl Ford, Jr., Assistant Secretary for Intelligence and Research, Department of State, Washington, DC.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 5, 2002 at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, June 5, 2002 at 2:30 p.m. to conduct an oversight hearing on “Lead-Based Paint Poisoning: Federal Responses.”

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

PRIVILEGES OF THE FLOOR

Mr. BOND. Madam President, I ask unanimous consent a legislative fellow in my office, John Stody, be granted the privilege of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FEINGOLD. Madam President, I ask unanimous consent that for the duration of the bill a legislative fellow in Senator WYDEN’s office, Gerhard Kuska, be granted Senate floor privileges.

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

SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 2002—Continued

Mr. REID. Mr. President, I ask unanimous consent that we return to the Supplemental Appropriations Act for further recovery from and response to terrorist attacks in the United States.

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on calendar No. 405, H.R. 4775, the supplemental appropriations bill:

Hillary Clinton, Harry Reid, Jack Reed, Evan Bayh, Debbie Stabenow, Blanche Lincoln, Maria Cantwell, Daniel Akaka, Daniel Inouye, Joseph Lieberman, Byron Dorgan, Tom Carper, Tom Daschle, Tim Johnson, Patty Murray, Barbara Mikulski.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the Foreign Service nominations placed on the Secretary’s desk; that the nominations be confirmed; that the motions to reconsider be laid upon the table; that the President be immediately notified of the Senate’s action; that any statements relating to the nominations be printed in the RECORD; and that the Senate return to legislative session, without any intervening action or debate.