States, with a particular emphasis on improving reimbursement rates for rural areas. And I look forward to continuing to work with Senator FEINGOLD and Senator COLLINS on additional legislation that will deal with the complicated problems of hospital reimbursement and Medicare + Choice.

But these bills are an important first step toward fixing a system that is not just unfair to my State; it is inaccurate, outdated, and creates perverse incentives for inefficient providers.

Many of us in the Congress are working to update Medicare and modernize its structure to fit today's health care system. It is critical that we add a prescription drug benefit for seniors so they don't have to choose between taking their medicine and eating their next meal. It makes sense to add more preventive benefits to keep seniors healthy at the start rather than only treating illnesses when they become more serious. I strongly support these efforts and hope that Congress will act this year. But if we don't also fix the inequities in Medicare's payment system, these new benefits could also turn out to be inequitable for Wisconsin's seniors. This is an issue that must be addressed if Congress is serious about passing real Medicare reform.

Again, I want to commend Senators FEINGOLD and COLLINS for their hard work on this package. I look forward to working with them as Medicare reform moves forward.

By Mr. KOHL (for himself, Mr. HATCH, Mr. SCHUMER, and Ms. CANTWELL):

S. 1956. A bill to combat terrorism and defend the Nation against terrorist attacks, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Safe Explosives Act. This legislation will help prevent the criminal use and accidental misuse of explosive materials.

The events of September 11 have tragically demonstrated how good terrorists are at seeking out loopholes in our Nation's defenses. Law enforcement, now more than ever, must be several steps ahead of these criminals.

Most Americans would be stunned to learn that in some States it is easier to get enough explosives to take down a house than it is to buy a gun, get a drivers' license, or even obtain a fishing license. Currently, it is far too easy for would-be terrorists and criminals to obtain explosive materials. Although permits are required for interstate purchases of explosives, there are no current uniform national limitations on the purchase of explosives within a single state by a resident of that State. As a result, a patchwork quilt of State regulations covers the intrastate purchase of explosive materials. In some States, anyone can walk into a hardware store and buy plastique explosives or a box of dynamite. No background check is conducted, and no effort is made to check whether the purchaser knows how to properly use this deadly material. In at least 12 States, there are little to no restrictions on the intrastate purchase of explosives.

Since September 11, the threat of a terrorist attack involving explosives is more real than ever. As Richard Reid, the so-called ''shoe bomber,'' recently demonstrated when he tried to take down a Boeing 767 en route from Paris to Miami, terrorists are actively trying to use explosives in pursuit of their aims. We must be more vigilant in overseeing the purchase and possession of explosives if we ever hope to prevent future potential disasters.

The Safe Explosives Act would close the deadly loophole in our current laws by requiring people who want to acquire and possess explosive materials to obtain a permit. This measure would significantly reduce the availability of explosives to terrorists, felons, and others prohibited by current federal law from possessing dangerous explosives.

Let me elaborate on what the proposal does. As I said, under current law anyone who is involved in interstate shipment, purchase, or possession of explosives must have a Federal permit. This legislation creates the same requirement for intrastate purchases. It calls for two types of permits for these intrastate purchasers: user permits and limited user permits. The user permit lasts for 3 years and allows unlimited explosives purchases. The limited user permit also expires after 3 years, but only allows six purchases per year. We created this two-tier system so that low-volume users would not be burdened by regulations. The limited permit, like the user permit, imposes commonsense rules such as a background check, monitoring of explosives purchases, secure storage, and report of sale or theft of explosives. However, the Safe Explosives Act does not subject the limited user to the record keeping requirements currently required for full permit holders.

In addition to creating the permit system, our measure makes some commonsense addition to the classes of people who are barred from buying or possessing explosives. Current Federal explosives law prohibits certain people from purchasing or possessing explosives. The list of people barred is roughly parallel to those prohibited by Federal firearms law. For example, convicted felons are not allowed to buy guns or explosives. However, while current law bars nonimmigrant aliens from buying guns, they are not prohibited from buying explosives. That makes no sense. The Safe Explosives Act would stop nonimmigrant aliens from being able to buy explosives. Since we now know that several of the September 11 terrorists were nonimmigrant aliens, and that sleeper terrorist cells made up of nonimmigrant aliens have been operating within U.S. borders for number of years, this provision is especially important.

In addition, the Safe Explosives Act improves the public's safety by requiring permit holders to adhere to proper storage and safety regulations. These provisions will help ensure the safety of explosives handlers and prevent accidental or criminal detonation of explosives. Sadly, each year, many people are seriously injured or killed by misuse and criminal use of explosives. For example, in 1997, there were 4,777 explosives incidents, killing 27 and injuring 164 people, and resulting in more than $7.3 million in property damage. Our proposal will help reduce these numbers.

This measure strikes a reasonable balance between stopping dangerous people from getting explosives and helping legitimate users obtain and possess explosives. Most large commercial users already have explosives permits because they engage in interstate explosives transport. These users would not be significantly affected by our legislation. The low-volume users will be able to quickly and cheaply get a limited permit. And high-volume intrastate purchasers who are running businesses that require explosives should easily be able to get an unlimited user permit. Also, the measure will not affect those who use black or smokeless powder for recreation, as the legislation does not change current regulations on those particular materials.

Our goal is simple. We must take all possible steps to keep deadly explosives out of the hands of dangerous individuals seeking to threaten our livelihood and security. The Safe Explosives Act is critical legislation, supported by the administration. It is designed solely to the interest of public safety. It will significantly enhance our efforts to limit the proliferation of explosives to would be terrorists and criminals. It will close a loophole that could potentially cause mass destruction of property and life. I hope my colleagues will support our efforts to pass this vital law. Thank you.

I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 1956

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

SECTION 1. SHORT TITLE

This Act may be referred to as the ''Safe Explosives Act''.

SEC. 2. PERMITS FOR PURCHASERS OF EXPLOSIVES.

(a) DEFINITIONS.—Section 841(j) of title 18, United States Code, is amended to read as follows:

''(j) 'Permittee' means any user of explosives for a lawful purpose, who has obtained either a user permit or a limited permit under the provisions of this chapter.''.

(b) PERMITS FOR PURCHASE OF EXPLOSIVES.—Section 842 of title 18, United States Code, is amended—

(1) in subsection (a)(2), by striking ''and'' at the end;

(2) by striking subsection (a)(3) and inserting the following:

''(3) other than a licensee or permittee knowingly—

''(A) to transport, ship, cause to be transported, or receive any explosive materials; or

''(B) to distribute explosive materials to any person other than a licensee or permittee; or

''(4) who is a holder of a limited permit—

''(A) to transport, ship, cause to be transported, or receive in interstate or foreign commerce any explosive materials; or

''(B) to receive explosive materials from a licensee or permittee, whose premises are located within the State of residence of the limited permit holder, on more than 6 separate occasions, pursuant to regulations implemented by the Secretary.'';

(3) by striking subsection (b) and inserting the following:

''(b) It shall be unlawful for any licensee or permittee knowingly to distribute any explosive materials to any person other than—

''(1) a licensee;

''(2) a holder of a user permit; or

''(3) a holder of a limited permit who is a resident of the State where distribution is made and in which the premises of the transferor are located.''; and

(4) in the first sentence of subsection (f), by inserting '', other than a holder of a limited permit,'' after ''permittee''.

(c) LICENSES AND USER PERMITS.—Section 843(a) of title 18, United States Code, is amended—

(1) by inserting ''or limited permit'' after ''user permit'' in the first sentence;

(2) by inserting before the period at the end of the first sentence the following: '', including the names of and appropriate identifying information regarding all employees who will handle explosive materials, as well as fingerprints and a photograph of the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association)''; and

(3) by striking the third sentence and inserting ''Each license or user permit shall be valid for no longer than 3 years from the date of issuance and each limited permit shall be valid for no longer than 1 year from the date of issuance. Each license or permit shall be renewable upon the same conditions and subject to the same restrictions as the original license or permit and upon payment of a renewal fee not to exceed one-half of the original fee.''.

(d) CRITERIA FOR APPROVING LICENSES AND PERMITS.—Section 843(b) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end; and

(3) by adding at the end the following:

''(6) none of the employees of the applicant who will possess explosive materials in the course of their employment with the applicant is a person whose possession of explosives would be unlawful under section 842(i) of this chapter; and

''(7) in the case of a limited permit, the applicant has certified in writing that the applicant will not receive explosive materials on more than 6 separate occasions during the 12-month period for which the limited permit is valid.''.

(e) INSPECTION AUTHORITY.—Section 843(f) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking ''permittees'' and inserting ''holders of user permits''; and

(B) by inserting ''licensees and permittees'' before the words ''shall submit''; and

(2) in the second sentence, by striking ''permittee'' the first time it appears and inserting ''holder of a user permit''.

(f) POSTING OF PERMITS.—Section 843(g) of title 18, United States Code, is amended by inserting ''user'' before ''permits''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 3. PERSONS PROHIBITED FROM RECEIVING OR POSSESSING EXPLOSIVE MATERIALS.

(a) DISTRIBUTION OF EXPLOSIVES.—Section 842(d) of title 18, United States Code, is amended—

(1) in paragraph (5), by striking ''or'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''or who has been committed to a mental institution;''; and

(3) by adding at the end the following:

''(7) is an alien, other than an alien who is lawfully admitted for permanent residence (as defined in section 101 (a)(20) of the Immigration and Nationality Act) or an alien described in subsection (q)(2);

''(8) has been discharged from the armed forces under dishonorable conditions; or

''(9) having been a citizen of the United States, has renounced the citizenship of that person.''.

(b) POSSESSION OF EXPLOSIVE MATERIALS.—Section 842(i) of title 18, United States Code, is amended—

(1) in paragraph (3), by striking ''or'' at the end; and

(2) by inserting after paragraph (4) the following:

''(5) who is an alien, other than an alien who is lawfully admitted for permanent residence (as that term is defined in section 101(a)(20) of the Immigration and Nationality Act) or an alien described in subsection (q)(2);

''(6) who has been discharged from the armed forces under dishonorable conditions; or

''(7) who, having been a citizen of the United States, has renounced the citizenship of that person.''.

(c) DEFINITION.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

''(q) PROVISIONS RELATING TO LEGAL ALIENS.—

''(1) DEFINITION.—In this subsection, the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

''(2) EXCEPTIONS.—Subsections (d)(7) and (i)(5) do not apply to any alien who—

''(A) is in lawful nonimmigrant status, is a refugee admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or is in asylum status under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158);

''(B) is a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business;

''(C) is a person having the authority to direct or cause the direction of the management and policies of a corporation, partnership, or association licensed pursuant to section 843(a), and the shipping, transporting, possessing, or receiving of explosive materials relates to that authority; or

''(D) is a member of a North Atlantic Treaty Organization (NATO) or other friendly foreign military force (whether or not admitted in a nonimmigrant status) who is present in the United States under military orders for training or other authorized purpose, and the shipping, transporting, possessing, or receiving explosive materials is in furtherance of the military purpose.''.

''(3) WAIVER.—

''(A) CONDITIONS FOR WAIVER.—Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (i)(5) if—

''(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (C); and

''(ii) the Attorney General approves the petition.

''(B) PETITION.—Each petition submitted in accordance with subparagraph (A) shall—

''(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

''(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to acquire explosives and certifying that the alien would not, absent the application of subsection (i)(5), otherwise be prohibited from such an acquisition under subsection (i).

''(C) APPROVAL OF PETITION.—The Attorney General shall approve a petition submitted in accordance with this paragraph if the Attorney General determines that waiving the requirements of subsection (i)(5) with respect to the petitioner—

''(i) would be in the interests of justice; and

''(ii) would not jeopardize the public safety.''.

SEC. 4. REQUIREMENT TO PROVIDE SAMPLES OF EXPLOSIVE MATERIALS AND AMMONIUM NITRATE.

Section 843 of title 18, United States Code, is amended by adding at the end the following:

''(h) FURNISHING OF SAMPLES.—

''(1) IN GENERAL.—Licensed manufacturers and licensed importers and persons who manufacture or import explosive materials or ammonium nitrate shall, when required by letter issued by the Secretary, furnish—

''(A) samples of such explosive materials or ammonium nitrate;

''(B) information on chemical composition of those products; and

''(C) any other information that the Secretary determines is relevant to the identification and classification of the explosive materials or to identification of the ammonium nitrate.

''(2) REIMBURSEMENT.—The Secretary may, by regulation, authorize reimbursement of the fair market value of samples furnished pursuant to this subsection, as well as the reasonable costs of shipment.''.

SEC. 5. DESTRUCTION OF PROPERTY OF INSTITUTIONS RECEIVING FEDERAL FINANCIAL ASSISTANCE.

Section 844(f)(1) of title 18, United States Code, is amended by inserting before the word ''shall'' the following: ''or any institution or organization receiving Federal financial assistance,''.

SEC. 6. RELIEF FROM DISABILITIES.

Section 845(b) of title 18, United States Code, is amended to read as follows:

''(b) RELIEF FROM DISABILITIES.—

''(1) IN GENERAL.—A person who is prohibited from possessing, shipping, transporting, receiving purchasing, importing, manufacturing, or dealing in explosive materials may make application to the Secretary for relief from the disabilities imposed by Federal law with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of explosive materials, and the Secretary may grant that relief, if it is established to the satisfaction of the Secretary that—

''(A) the circumstances regarding the disability, and the record and reputation of the applicant are such that the applicant will not be likely to act in a manner dangerous to public safety; and

''(B) that the granting of the relief will not be contrary to the public interest.

''(2)PETITION FOR JUDICIAL REVIEW.—Any person whose application for relief from disabilities under this section is denied by the Secretary may file a petition with the United States district court for the district in which that person resides for a judicial review of the denial.

''(3) ADDITIONAL EVIDENCE.—The court may, in its discretion, admit additional evidence where failure to do so would result in a miscarriage of justice.

''(4) FURTHER OPERATIONS.—A licensee or permittee who conducts operations under this chapter and makes application for relief from the disabilities under this chapter, shall not be barred by that disability from further operations under the license or permit of that person pending final action on an application for relief filed pursuant to this section.

''(5) NOTICE.—Whenever the Secretary grants relief to any person pursuant to this section, the Secretary shall promptly publish in the Federal Register, notice of that action, together with reasons for that action.''.

SEC. 7. THEFT REPORTING REQUIREMENT.

Section 842 of title 18, United States Code, as amended by this Act, is amended by adding at the end the following:

''(r) THEFT REPORTING REQUIREMENT.—

''(1) IN GENERAL.—A holder of a limited user permit who knows that explosive materials have been stolen from that user, shall report the theft to the Secretary not later than 24 hours after the discovery of the theft.

''(2) PENALTY.—A holder of a limited user permit who does not report a theft in accordance with paragraph (1), shall be fined not more than $10,000, imprisoned not more than 5 years, or both.''.

SEC. 8. APPLICABILITY.

Nothing in this Act shall be construed to affect the exception in section 845(a)(4) (relating to small arms ammunition and components of small arms ammunition) or section 845(a)(5) (relating to commercially manufactured black powder in quantities not to exceed 50 pounds intended to be used solely for sporting, recreational, or cultural purposes in antique firearms) of title 18, United States Code.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 210—DESIGNATING FEBRUARY 14, 2002, AS ''NATIONAL DONOR DAY''

Mr. DURBIN (for himself, Mr. DEWINE, Mr. FRIST, Mr. KENNEDY, Mr. TORRICELLI, Ms. COLLINS, Mr. BREAUX, Mr. WELLSTONE, Mr. BIDEN, Mr. INOUYE, Mr. KOHL, Ms. LANDRIEU, Mr. SPECTER, Mr. JOHNSON, Mr. DORGAN, Mr. CLELAND, Mr. GRAHAM, Mr. DODD, Mr. ENZI, Mr. LEVIN, Mr. KERRY, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 210

Whereas more than 80,000 individuals await organ transplants at any given moment;

Whereas another man, woman, or child is added to the national organ transplant waiting list every 13 minutes;

Whereas despite progress in the last 16 years, more than 16 people die each day because of a shortage of donor organs;

Whereas almost everyone is a potential donor of organs, tissue, bone marrow, or blood;

Whereas transplantation has become an element of mainstream medicine that prolongs and enhances life;

Whereas for the fifth consecutive year, a coalition of health organizations is joining forces for National Donor Day;

Whereas the first 3 National Donor Days raised a total of nearly 30,000 units of blood, added more than 6,000 potential donors to the National Marrow Donor Program Registry, and distributed tens of thousands of organ and tissue pledge cards;

Whereas National Donor Day is America's largest 1-day organ, tissue, bone marrow, and blood donation event; and

Whereas a number of businesses, foundations, and health organizations and the Department of Health and Human Services have designated February 14, 2002, as National Donor Day: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideas of National Donor Day;

(2) encourages all Americans to learn about the importance of organ, tissue, bone marrow, and blood donation and to discuss such donation with their families and friends; and

(3) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for organ, tissue, bone marrow, and blood donation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2878. Mr. DURBIN (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table.

SA 2879. Mr. REID (for himself, Mr. SPECTER, and Mr. FEINGOLD) proposed an amendment to the bill S. 565, supra.

SA 2880. Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2881. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2882. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2883. Mr. CLELAND (for himself and Mr. MILLER) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2884. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2885. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2886. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2887. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 565, supra.

SA 2888. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2889. Mr. LIEBERMAN (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 565, supra.

SA 2890. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 565, supra.

SA 2891. Mr. KYL proposed an amendment to the bill S. 565, supra.

SA 2892. Mr. MCCONNELL proposed an amendment to amendment SA 2891 proposed by Mr. KYL to the bill (S. 565) supra.

SA 2893. Mr. ENSIGN (for himself, Mr. HATCH, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2894. Mr. HOLLINGS (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2895. Mr. DURBIN (for himself, Mr. NELSON, of Florida, and Mr. GRAHAM) proposed an amendment to the bill S. 565, supra.

SA 2896. Mr. DASCHLE proposed an amendment to the bill H.R. 3090, to provide tax incentives for economic recovery.

SA 2897. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table.

SA 2898. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 565, supra.

SA 2899. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2900. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2901. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2902. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 565, supra; which was ordered to lie on the table.

SA 2903. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 565, supra; which was ordered to lie on the table.

SA 2904. Mr. NELSON, of Florida (for himself and Mr. GRAHAM) proposed an amendment to the bill S. 565, supra.

SA 2905. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2906. Mrs. CLINTON proposed an amendment to the bill S. 565, supra.

SA 2907. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2908. Mr. MCCONNELL (for Mr. CHAFEE (for himself and Mr. REED)) proposed an amendment to the bill S. 565, supra.